
**Native Reserves, Assimilation and Self-determination:
Te Atiawa, the Crown and Settlers, North Taranaki
1840 – 1875**

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Abstract

The historiography of Native reserves which has emerged from the Waitangi Tribunal's historical inquiry into Maori grievances against the Crown since 1985 has necessarily been preoccupied with the creation and alienation of reserves in the context of the Crown-iwi partnership and national Native reserve policies. This thesis investigates the local dimensions of Crown policy and restores a focus on Crown-hapu relations by offering an analysis of the creation, utilisation and administration of the Native reserves of the FitzRoy, Omata, Grey, Waiwakaiho and Hua blocks in North Taranaki between 1840 and 1875. It argues that Native reserve were intended to contain, control and assimilate Maori and as such the Native reserve policies of the New Zealand Company and the Crown were indicative of visions of the Maori future within an evolving Anglo-settler society. Although this agenda of assimilation remained prominent, the views of Crown officials regarding how Native reserves would perform these functions changed markedly between the 1840s and 1850s. In particular there was a shift away from scattering reserves amongst settler sections in the hope that Maori would emulate settlers and learn to be 'civilised' to an attempt to have Maori re-purchasing land from the Crown instead of Native reserves, which they would hold in individualised Crown title. Thus it was hoped that the communal nature of Maori society would be broken down and Maori would come to adhere to British social, legal and economic norms. At the same time this thesis recovers and assesses the world-views and expectations of Te Atiawa hapu about their future with Pakeha. It demonstrates the impact of these visions on hapu understandings of the purpose and nature of Native reserves, and on the ways in they formed economic and social relationships with settlers in utilised the reserves. The combination of primary historical sources and a statistical analysis demonstrates that these relationships played a significant role in shaping the work of the Native reserves commissioners appointed under New Zealand Native Reserves Act 1856 in Taranaki. In particular they lead to the commissioners modifying their initial pro-active approach to bringing the reserves under their administration if favour of acting as intermediaries between Te Atiawa and settlers with pre-arranged leases. A comparison of the nature and utilisation of reserves in hapu and Crown control demonstrates that although Te Atiawa retained control of approximately half of the Native reserves in these blocks all of their most commercially viable reserves were brought under the Act, and in the

process the Native title was extinguished. Co-operative relationships, which underpinned the leasing of reserves in the private sphere, were in marked contrast to public settler expressions of unease about Te Atiawa and their reserves in New Plymouth, and to mistrust between the two communities that reached its zenith during the Taranaki Wars. Such mistrust ultimately lead to the absence of Te Atiawa Native reserves and communities from the city of New Plymouth.

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Abbreviations

AJHR	<i>Appendices to the Journals of the House of Representatives</i>
AJLC	<i>Appendices to the Journals of the Legislative Council</i>
ATL	Alexander Turnbull Library
ANZ	Archives New Zealand
BPP	<i>British Parliamentary Papers: Colonies of New Zealand</i> (17 vols), Irish University Press, Shannon, 1968-1969. ¹
c.	circa
CT	certificate of title
ed(s)	editor(s)
encl.	enclosure (in a letter)
FOG	FitzRoy, Omata and Grey blocks (in tables and graphs)
fnt	footnote
G	Crown grant (land title records)
JPS	<i>Journals of the Polynesian Society</i>
l./ll.	line/lines
LINZ	Land Information New Zealand
Ltd	limited
n/d	no date
No.	number
NR	Native Reserve (in tables)
NZ Gaz	<i>New Zealand Gazette</i> (in tables)
NZJH	<i>New Zealand Journal of History</i>
NZPD	<i>New Zealand Parliamentary Debates</i>
p/pp	page/pages
pt	part
R	conveyance or probate (will) (land title records)

R	Rural (in tables and graphs)
R/S	Rural/suburban (in tables and graphs)
S	Suburban (in tables and graphs)
s, ss	section and sections (for an Act)
T	Town (in tables and graphs)
Vol.	volume
Wai	Waitangi Tribunal record of claim number
Warr	warrant (land title records)
WH	Waiwakaiho and Hua Blocks (in tables and graphs)

¹ Where the published volume has its own page numbers I have used these, however in a number of volumes it has been necessary to cite the the section of the volume in round or square brackets and the page number of the particular item within that document.

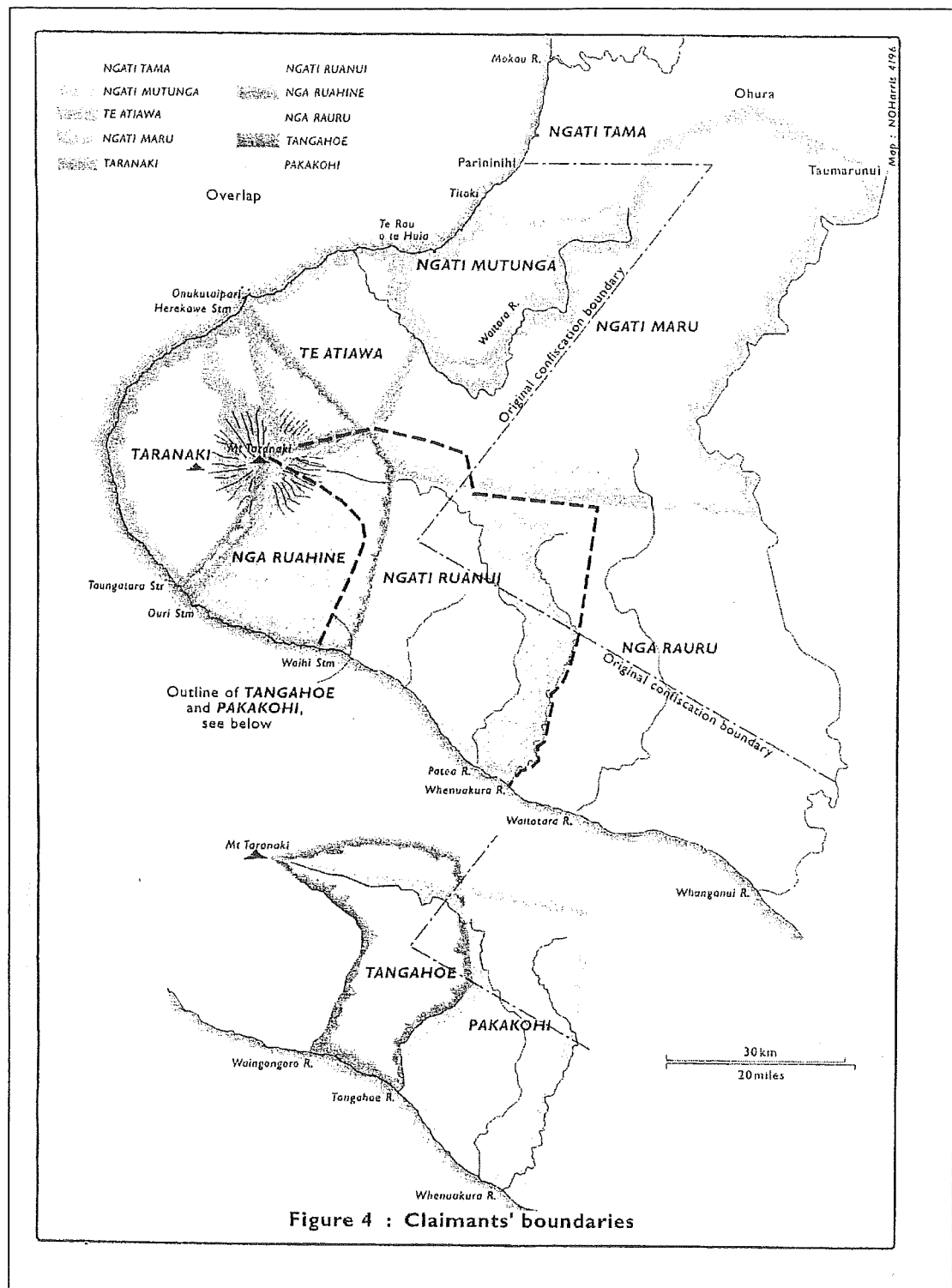


Figure 1: Map showing the approximate tribal boundaries of the iwi of the Taranaki region (source: Waitangi Tribunal, *The Taranaki Report: Kaupapa Tuatahi*, GP Publications, Wellington, 1996, fig. 4).

Introduction

Te Atiawa Iwi and Hapu

This thesis examines the Native reserves created by the Crown at the time it acquired the FitzRoy, Omata, Grey, Waiwakaiho and Hua blocks from certain hapu of Te Atiawa iwi in Taranaki between 1844 and 1854. A brief explanation of this iwi and its various hapu and their rohe is required to place the detailed discussion of Native reserves that follows in context. It is possible to indicate the approximate location of the various iwi of Taranaki. However, it must be remembered that drawing sharp boundaries on a map does not accord with iwi and hapu understandings of complex overlapping interests and allegiances or with the dynamic nature of such allegiances. South of about the Kai Iwi Stream near Waitotara, Nga Iwi o Taranaki are bordered by the Whanganui people, Ati-hau-a-paparangi; in the North, beyond the area around the Mokau River, lies the rohe of Ngati Maniapoto. Moving from south to north the iwi of Taranaki are Nga Rauru, Pakakohe, Tangahoe², Ngati Ruanui, Ngati Ruahine-Rangi, Taranaki, Te Atiawa, Ngati Maru, Ngati Mutunga and Ngati Tama (see Figure 1).

Te Atiawa are said to take their name from Te Awa-nui-a-rangi, a son of Toi,³ and whakapapa to the Tokomaru waka.⁴ The rohe of Te Atiawa today is generally regarded as running from about Onukutaipari just south of Paritutu (the towering rock which is a landmark near the power station on the southern fringes of New Plymouth city) inland to a point on Mt Taranaki's eastern slope known as Tahunatutawa. It then runs down again to the town of Midhurst, curving in a line near Tarata and coming back to the coast again to Te Rau-o-te-Huia near the mouth of the Onaero River. Within this rohe lie the city of New Plymouth and the towns of Inglewood, Bell Block and Waitara. The hapu of Te Atiawa today are (from south to north) Ngati Te Whiti,

² The Waitangi Tribunal noted in 1996 that Pakakohi and Tangahoe had demonstrated that "they exist today as distinctive and viable entities deserving separate consideration" (Waitangi Tribunal, *The Taranaki Report: Kaupapa Tuatahi*, GP Publications, Wellington, 1996, p xi). The status of these two iwi in relation to Ngati Ruanui and its negotiations with the Crown to settle its claim was further examined in Waitangi Tribunal, *The Pakakohi and Tangahoe Settlement Claims Report*, Legislation Direct, Wellington, 2000.

³ S Percy Smith, *History and Traditions of the Maoris of the West Coast North Island of New Zealand Prior to 1840*, originally published by the Polynesian Society and printed by Thomas Avery, New Plymouth, 1910, Capper Press, Christchurch, reprint 1984, p 119.

⁴ Benjamin Wells, *The History of Taranaki: A Standard Work on the History of the Province*, Edmondson & Avery, "Taranaki News" Office, New Plymouth, 1878, reprinted by Capper Press, Christchurch, 1976, p 4 citing John White.

Ngati Tuparikino, Hamua⁵, Ngati Tawhirikura, Puketapu, Manukorihi, Pukerangiora, Otaraua, and Ngati Rahiri. The FitzRoy, Omata, Grey, Waiwakaiho and Hua blocks whose Native reserves are the subject of this thesis, fell within the rohe of Ngati Te Whiti, Ngati Tuparikino, Hamua and Ngati Tawhirikura.⁶

Iwi and Hapu Names in this Thesis

Throughout the thesis I have used 'Te Atiawa' as the spelling for the name of this iwi. This is most commonly used by tribal organisations today although Ati-Awa and Ngati-Awa are often heard in conversation in Taranaki. Hapu affiliations of the individuals dealing with Native reserves in the study area in the 1840 – 1875 period are difficult to establish. Therefore to save lengthy repetition of four hapu names when discussing the actions of Te Atiawa within the city and Waiwakaiho area I have used the term Ngamotu hapu as an inclusive term to cover people of several closely related hapu. This is appropriate from a historical perspective because the term Ngamotu hapu was frequently used by Crown officials to describe Te Atiawa people in this area. One account of the origin of this name can be found in *The New Zealand Dictionary of Biography* entry for Wharepouri, a rangatira of these hapu. In 1832, after the siege of Otaka Pa near Ngamotu beach at New Plymouth by Waikato, Wharepouri and about 400 men with their women and children began a migration to the Wellington and Cook's Strait regions. "On this march his people were known as Ngamotu, after their last place of residence; they included Ngati Tawhirikura and Ngati Te Whiti."⁷ It is likely that many of these people also affiliated to other Te Atiawa hapu living in the town/Waiwakaiho area. Angela Ballara estimated

⁵ Ngati Tawhirikura hapu in Taranaki began re-establishing themselves and their marae at Katere (on part of former the Katere Native Reserve) in July 1980; in 1997 the author was commissioned to write a history of hapu. The presence of Ngati Tuparikino and Hamua was reasserted in a Maori Land Court case in July 1997 regarding the guardianship of the New Plymouth railway station site; the author provided research material for this case on behalf of Ngati Tawhirikura.

⁶ In 1922 a petition from Neha Kipa and others to Sir Maui Pomare (the member of Western Maori) was sent "on behalf of the hapus of Ngatitewhiti, Hamua, Ngatitawhirikura and NgatiTuparikino in relation to Pukeariki Pa (New Plymouth)." (LS 20/19/15, Pukeariki Pa file, Vol. 1, LINZ, New Plymouth). A further petition emphasising the rights of these hapu in Pukeariki and elsewhere in the New Plymouth city area was made on 29 September 1937 to H T Ratana and was headed "The petition of the associated Subtribes Ngatitewhiti and Ngatituparikino." (Petition No. 56/1937, 29 September 1937, LS 20/19/15, Pukeariki Pa file, Vol. 1, LINZ, New Plymouth).

⁷ *The People of Many Peaks: The Maori Biographies from the Dictionary of New Zealand Biography*, Vol. 1 (1769 – 1869), Bridget Williams Books/Department of Internal Affairs, Wellington, 1991, p 301.

that the migration perhaps contained up to 2000 people, and that the contingent of Ngamotu people "included Ngati Te Whiti, Ngati Tawhirikura, Te Matehou and other hapu of Te Atiawa."⁸

Choice of Thesis Topic

This thesis grew out of six years (1992 – 1997) I spent living in New Plymouth working as a researcher and archivist, first with Te Atiawa Tribal Council, and then with Ngati Tawhirikura hapu at Katere marae overlooking the Rewarewa pa at the mouth of the Waiwakaiho River. During that time I learnt about the history of the people and the land from the perspective of my hosts, and was fortunate to gather and store knowledge of that history and to participate in the development of the iwi and hapu. One of the projects I undertook during my time with Te Atiawa Tribal Council was researching the title histories of all the Native reserves within the rohe. During the course of the Taranaki claim before the Waitangi Tribunal (the hearings for which had been completed before I started work with the iwi) two volumes of title history for Native reserves had been prepared by Waitangi Tribunal staff.⁹ However, these highlighted many gaps in information about the title of reserves and I set out to plug these and to produce a more comprehensive title history. Through this research I became very interested in the reserves, but left Taranaki in 1998 before the work could be completed.

However, I felt that I had found a vocation as a historian and later decided to return to university to study history at post-graduate level. At honours level I wrote a paper about the legal status of the Native reserves and began to shift my thinking away from title history into larger questions about what the Crown and what Te Atiawa understood about the ownership and purpose of Native reserves. My honours research revealed that historians had paid little attention to Native reserves. Aside from the work of Ford and Harris, there were only two other published works on the Crown's Native reserve policy, both from the Waitangi Tribunal's

⁸ Angela Ballara, 'Te Whanganui-a-Tara: Phases of Maori Occupation of Wellington Harbour c. 1800 – 1840' in *The Making of Wellington, 1800 – 1914*, D Hamer and R Nicholls (eds), Victoria University Press, Wellington, 1990, p 22.

⁹ Janine Ford, 'Title Histories of the Native Reserves made in the FitzRoy, Grey and Omata Purchases in Taranaki, 1844 – 1848, report commissioned by the Waitangi Tribunal, 1991 and Aroha Harris, 'Title Histories of the Native Reserves made in the Cooke's Farm, Bell Block, Hua, Waiwakaiho and Tarururangi Purchases in Taranaki (1847 – 1858)', report commissioned by the Waitangi Tribunal, 1991.

Rangahaua Whanui series.¹⁰ With the knowledge I already had of the creation and alienation of these particular reserves I felt I could build an analysis of the Crown's policy, its implementation in Taranaki and its impact on how particular hapu were able to use their Native reserves. I hoped that this would fill a gap in the historiography as well as return important knowledge to the iwi and hapu of Te Atiawa. So with the co-operation of those I had worked with in Te Atiawa, and with the agreement of the Runanga o Te Atiawa I chose to develop these ideas in a Masters thesis.

The Scope of this Thesis

The decision to focus this thesis on the Native reserves within the FitzRoy, Omata, Grey, Waiwakaiho and Hua blocks was made because the area defined by these purchases is the rohe of several distinctive but closely related hapu, principally Ngati Te Whiti, Ngati Tawhirikura, Hamua and Ngati Tuparikino. The Waiwakaiho and Hua purchases were included in this study because the people who signed those deeds and were allocated reserves within those blocks also had interests in the reserves in the three blocks which lie on the New Plymouth side of the Waiwakaiho, and to exclude their interests beyond the Waiwakaiho would have cut unnaturally across these interests. By including the Waiwakaiho and Hua reserves in the study area I was able to encompass two sets of purchases in which quite different methods of reserve creation were used. Because the same hapu had interests in both sets of purchase reserves it was possible to compare Maori responses and the impact of these different Crown policies and processes on the same people. Reserves in the blocks to the north of the Waiwakaiho and Hua purchases were excluded from the study because they lie within the rohe of the Puketapu hapu of Te Atiawa.

The thesis is concerned with the ways in which the evolution of Crown policy and practices with regard to the creation and administration of Native reserves was shaped by the understandings, needs and agendas of Ngamotu hapu and settlers in Taranaki. It was obviously necessary to discuss the origins of Native reserves, and the creation of the reserves

¹⁰ J E Murray, *Crown Policy on Maori Reserved Lands, 1840 to 1865 and Land Restricted from Alienation, 1865 to 1900*, Waitangi Tribunal Rangahaua Whanui Series, 1991 and Ralph Johnson, *The Trust Administration of Maori Reserves, 1840 – 1913*, Waitangi Tribunal, Rangahaua Whanui Series, 1997.

in the context of the Crown purchase of the blocks in which they were created. It was decided to use the Crown's administration of the reserves by Commissioners under the first Native reserves legislation, the New Zealand Native Reserves Act 1856, as a focus for inquiry into the intersections and interchange between Crown policy and practice, the actions of the Te Atiawa hapu in utilising and managing the reserves, and their interaction with the settlers (individually and collectively). This means that the thesis spans the period from the New Zealand Company's transactions of 1840 to 1875. It was decided quite early in the thesis to exclude the period after 1882 when the Native Reserves Act 1882 introduced a new form of administration by vesting the reserves in the Public Trustee. The New Zealand Wars presented themselves as a major junction in the relationship between Te Atiawa, the Crown and settlers in Taranaki. I was particularly curious about what impact this crisis had on the economic and social relationships between Te Atiawa and settlers over Native reserves. Therefore I extended this study beyond 1865 to enable the focus of this thesis to remain on the commissioners administering the reserves under the 1856 Act and its 1862 amendment. The Native Reserves Act 1873 has not been discussed in detail, although it did signal significant changes with regard to the role of Maori in administering the reserves this shift in policy ultimately had little impact as the Act was never implemented.¹¹ It was decided to end the period under examination at 1875 because an important part of this thesis relies on a statistical analysis of the ownership and utilisation of the Native reserves using Native reserve schedules as raw data. These sources were unable to provide comprehensive data to sustain this investigation beyond 1875.

As this thesis evolved it became apparent, as the title suggests, that the principal ideology underpinning the Native reserves policies of both the New Zealand Company and the Crown was the assimilation of Maori into a dominant Anglo-settler society. However, the terms used in historical and sociological texts in New Zealand to describe attempts by the colonizers to position Maori in relation to British settler society vary considerably. In 1973 Alan Ward used the term 'amalgamation' to examine "the practical legal and administrative provisions relating

¹¹ Ralph Johnson, *The Trust Administration of Maori Reserves, 1840 – 1913*, Waitangi Tribunal Rangahaua Whanui Series, 1991, pp 77 – 84.

to Maori" within the mechanisms of an evolving Anglo-settler State in New Zealand.¹² In 1981 Keith Sorrenson implied that the colonizing endeavour was considered by the British to involve a progression of 'civilising' Maori ("turning them into brown-skinned Europeans"), amalgamating Maori and Pakeha through inter-marriage and finally "absorbing" Maori "into a predominantly European population."¹³ The term 'assimilation' has been used by Donald Loveridge in relation to British Government policy in New Zealand in 1839 – 40, and by the New Zealand sociologist Paul Spoonley in describing the aims of late nineteenth century institutions.¹⁴ On the other hand, James Belich preferred the term 'conversion' to assimilation or amalgamation using conversion "to mean not only religious conversion but the whole package of agencies by which non-Europeans were to be transformed into something European-like and peacefully sub-ordinated to Europeans."¹⁵ He points out that "Europeanisation" and "subordination" were not the same thing but that it is difficult to draw a distinction between them when "in practice there was a strong tendency to blur them."¹⁶

Given these various definitions of the colonizing process the use of the term 'assimilation' in this thesis requires some explanation. While acknowledging the often subtle distinctions other historians and sociologists have made between the terms traversed above I have chosen to use the term assimilation in the case of Native reserves because I would argue that the Crown, Company and settlers were most interested in replacing "Maori values with Victorian values and Maori institutions with British institutions", in order to "make the Maori British."¹⁷ The evidence strongly suggests that it was believed necessary to encourage the break-down of the structures, values and practices which made Maori society distinctive in order for Maori to be absorbed into settler society. This was the ultimate aim of Native reserve policies, but does not exclude the possibility that such policies were designed to lead Maori (with various degrees of

¹² Alan Ward, *A Show of Justice: Racial 'Amalgamation' in Nineteenth Century New Zealand*, Auckland University Press/Oxford University Press, Auckland, 1973, p vii.

¹³ Keith Sorrenson, 'Maori and Pakeha', in *The Oxford History of New Zealand*, W H Oliver and B R Williams (eds), Oxford University Press, Wellington, 1981, p 169

¹⁴ Donald Loveridge, 'The Origins of the Native Lands Acts and Native Land Court in New Zealand', report for the Crown Law Office, Wellington, 2000, p 31 and Paul Spoonley, *Racism and Ethnicity*, 2nd Ed., Oxford University Press, Auckland, 1993, p 65.

¹⁵ James Belich, *Making Peoples: A History of the New Zealanders from Polynesian Settlement to the End of the Nineteenth Century*, Penguin Books, Auckland, 1996, pp 124 – 125.

¹⁶ Belich, *Making Peoples*, 1996, p 125.

compulsion) through the stages of being 'civilised' by, and amalgamated with the settlers or that other Native policies aimed to amalgamate rather than assimilate Maori.

¹⁷ Peter Adams, *Fatal Necessity: British Intervention in New Zealand, 1830 – 1847*, Auckland University Press, Auckland, 1977, p 147.

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Chapter 1: Native Reserves in New Zealand: A Review of the Historiography

Introduction

A comprehensive understanding of the Native reserves created by the Crown at the time of its purchase of various blocks of land from the hapu of Te Atiawa iwi in North Taranaki between 1844 and 1854 has been hampered by the limitations of the existing historiography. The creation, purpose, status, utilisation and alienation of these reserves cannot be adequately understood without placing them within the wider context of the colonial enterprise. More particularly they need to be examined within the Crown's primary agenda of the assimilation of Maori into British legal, social and economic structures. Before the Waitangi Tribunal was given jurisdiction to hear Maori historical grievances in 1985, narratives of the colonial enterprise were essentially narratives of the growth of the State in New Zealand. These failed to deal satisfactorily with Native reserves because they assumed that the Crown's policy of assimilation was both inevitable and beneficial to Maori. Therefore, Native reserves were characterised as temporary measures by which the Crown protected Maori while they adjusted to British settler society. According to this view Native reserves were proof of the humanitarian and protective foundation of Maori-Crown relations. This led, with the exception of the New Zealand Company 'tenths' reserve scheme, to a general neglect of Native reserves in our historiography. The Company's reserves received considerable attention in narratives of the State because they were part of the Wakefieldian founding myth.

Paul McHugh has recently analysed the evolution of narratives of state authority, exploring the extent to which historians have located the origins of the Crown's sovereignty in the Treaty of Waitangi.¹⁸ In particular he discussed the consequences this had for historians' conceptualisation of the relationship between the Crown and Maori. The broad patterns and demarcations McHugh detected in narratives of the State offer a useful framework for an examination of the place of Maori and their Native reserves within those histories. McHugh argued that until the mid-1980s Whiggish narratives of national progress dominated New

¹⁸ Paul McHugh, 'Law, History and the Treaty of Waitangi', NZJH, Vol. 31, No. 1, April 1997, pp 38 – 57.

Zealand historiography of the State.¹⁹ As a consequence, Maori were pushed to the margins of the historian's vision and narratives focused upon "the verticalized aspect of Crown - (Maori) subject relations."²⁰ McHugh detected signs of a new historiography emerging in the first five years of the Waitangi Tribunal's inquiries into Maori historical grievances against the Crown, between 1985 and 1990. These narratives saw the Treaty of Waitangi as a contract between the parties, and attempted to construct histories which centred transactions between the Crown and Maori. Despite this, McHugh argued that these narratives continued to exhibit many of the characteristics of the older Whig tradition. In particular they remained presentist (in that they depicted the past inevitably leading to present day marginalisation of Maori), and state-centred in so far as they viewed the Treaty "as a Lockean contract of governance setting up the ongoing measure of the legitimacy of state relations with Maori."²¹

According to McHugh's analysis the 1990s saw Maori claims against the Crown move "into a new political sphere – what might be called 'the politics of settlement' – and that movement has had necessary consequences for the discourse of the Anglo-settler state, including its historiographic mechanisms."²² He suggested that the Court of Appeal played a critical role here as it invested the Treaty with ageless 'principles', and placed the Crown's relationship with Maori in an eternal present. What emerged, according to McHugh, was a doctrine, "which puts Crown-tribe relations into an horizontalized context designed to facilitate settlement."²³ McHugh characterized these new histories as a "historiography of contest, co-existence and contingency" better able to capture a sense of "a Maori epic of political life on the New Zealand Islands."²⁴ In these new narratives Whiggish certainties of progress and harmony in which the Crown protected Maori from the adverse effects of the colonial enterprise have been, in McHugh's words, "fatally weakened if not severed."²⁵

¹⁹ Ibid, p 40.

²⁰ Ibid, p 39.

²¹ Ibid, p 54.

²² Ibid, p 39.

²³ Ibid.

²⁴ Ibid.

²⁵ Ibid.

Whig Narrative of the New Zealand State

One of the characteristics of most histories of New Zealand before about 1960 was that they were essentially narratives of the Anglo-settler State that attempted to explain and justify the presence of the State in New Zealand through time.²⁶ This type of narrative can be regarded as 'Whig' in that it was primarily

State-centred and celebrates the growth of parliamentary institutions, seeing Westminster democracy as the Darwinian evolutionary endpoint of constitutional growth. It is essentially a tale vindicating parliamentary democracy and the rule of (the common) law.²⁷

In the New Zealand context works such as W P Morrell's *British Colonial Policy in the Age of Peel and Russell* (1930), George Radcliffe Mellor's *British Imperial Trusteeship, 1783 – 1850* (1951) and A H McLintock's *Crown Colony Government in New Zealand* (1958) all adhered to this definition of Whig histories in that their primary purpose was to narrate the progress of the New Zealand State towards self-government and independence.²⁸ McHugh has pointed out that in these Whig narratives "the Crown's sovereignty 'is' and it does not arise from some foundation particular to the New Zealand-Aotearoa setting."²⁹ Therefore, "the Treaty of Waitangi cannot be seen as the moment of constitutional origin" and Maori representation and participation in the colonial polity are marginalised, becoming "no more than soil-clearing in character ... no more than hiccups in the path of eventual mature constitutional form."³⁰ As a consequence the relationship between the Crown and Maori was also marginalised: at worst relegated to a backdrop against which the drama of colonial progress was played out. Instead historians tended to privilege the relationships between the British Colonial Office, New Zealand Government, the New Zealand Company, and missionary groups and position them at the centre of their narratives.³¹

²⁶ Ibid, 38 – 39.

²⁷ Ibid, p 40.

²⁸ Morrell outlines the main principles to be surveyed in his book as "colonial preference, systematic colonization, self-government stopping short of responsible government, humanitarianism." (W P Morrell, *British Colonial Policy in the Age of Peel and Russell*, Clarendon Press, Oxford, UK, 1930, p 27).

²⁹ McHugh, 1997, p 42.

³⁰ Ibid, p 43.

³¹ See George Radcliffe Mellor, *British Imperial Trusteeship, 1783 – 1850*, Faber and Faber, London, 1951, p 337 and Morrell, 1930, pp 110, 115 and 128.

Where these historians do discuss the problem of race relations they invariably conclude that the Crown's policies towards Maori were protective and designed to promote Maori welfare.³² Morrell does not question that "certain principles of trusteeship" should have been the foundation of Native policy in New Zealand.³³ In general these historians accept the colonial assumptions that the losses suffered by Maori in the process of the acquisition of their land for British settlers were adequately compensated for by the gift of 'civilization', good government and Christianity. In other words, the Crown's agenda of the assimilation of Maori into the institutions of the Anglo-settler State was assumed by historians to be inevitable and desirable. Morrell cited these advantages of colonization from the 1835 – 37 British Parliament Select Committee on Aborigines in British Colonies, and admired them as good principles. He did however admit that there were sometimes problems in implementing them.³⁴

The predominance of the Whiggish narrative of the State in New Zealand histories before 1960, with its themes of progress and the protection and assimilation of Māori, had particular consequences for historical discussion of Native reserves. Native reserves were viewed as a temporary feature of the first 20 years of the colony and so received little attention, except where they were connected to the national founding myth of Wakefieldian settlement. As a result the purchases of the New Zealand Company, particularly at Port Nicholson, received much attention from historians thus establishing the pre-eminence of Company's tenths reserves in the discourse on Native reserves.³⁵ In keeping with the Whiggish trend of these narratives, they emphasized the importance of the New Zealand Company as the founders of the colony, and the Company's perceived role in the beginnings of the New Zealand State. Reserves became symbolic of the Company's protective humanitarianism. Discussion of the Company's reserves remained firmly embedded in narratives of contest between the Colonial Office, the Crown in New Zealand and the New Zealand Company for authority and control of the colonization process.

³² See for example Mellor's discussion of Governor Grey's administration (Mellor, 1951, pp 350 – 359).

³³ Morrell, 1930, p 27.

³⁴ Ibid, p 26.

³⁵ These reserves, known as tenths reserves (the Company had promised that a 10th (or in some cases an 11th) of all purchased land would be held in trust for Maori).

Narratives of the State also emphasized the assimilating function of the Company's tenths reserves. There was a strong tendency to position the Company's concept of trusteeship, (which would later be incorporated into the Crown's Native reserve policy), within the framework of the general protective policies of the Company and of the Crown. Mellor exemplified this uncritical approach in simply quoting the findings of the British parliamentary committee of 1844, which approved of the Company's reserve policy.³⁶ In fact few historians questioned this view of the tenths reserves, a view which was essentially that promoted by the New Zealand Company itself. Keith Sinclair was an exception in this period, however; in 1946 Sinclair began a closer examination of the roots of the early Victorian notions of humanitarianism out of which grew the Company and Crown's policy of assimilation.³⁷ Importantly he concluded that these high ideals were generally overridden by pressure from influential colonial and trading groups amongst the settler community and by the constraints of the colony's finances.³⁸

One remarkable early study of Maori-Crown relations was G W Rusden's 1883 *History of New Zealand*. Rusden's findings were controversial at the time of their publication: welcomed by "the humanitarian party in the colony" but greeted with public indignation by others. A successful libel suite brought against Rusden by John Bryce the Minister of Native Affairs over comments in the book further undermined Rusden's credibility.³⁹ William Renwick argued that this probably contributed to the dismissal by New Zealand historians of Rusden's work until relatively recently. However, Renwick pointed out that "Rusden was our first revisionist" and many "opinions, for which he was reviled for in the 1880s have become orthodoxies in the 1990s."⁴⁰ Rusden was generally critical of the Company's 1839-40 purchases from Maori in which these reserves were created.⁴¹ He also provided the first case study of the Crown's

³⁶ Mellor, 1951, pp 364 – 7.

³⁷ Keith Sinclair, 'The Aborigines Protection Society and New Zealand: A Study in Nineteenth Century Opinion', MA thesis, University of New Zealand, 1946, p 11.

³⁸ Ibid, p 18.

³⁹ Rusden had written about Bryce's role in the military raid on Handley's Woolshed at Nukumara in South Taranaki in 1868 that it "was a brutal assault on women and children who were 'cut down gleefully and with ease' by Bryce and other cavalry men" (William Renwick, 'Who was G W Rusden and does it matter?', *Stout Centre Review*, Vol. 3, No. 4, 1993, p 23).

⁴⁰ Ibid, pp 18 – 23.

⁴¹ Rusden, *History of New Zealand*, Chapman and Hall and G Robertson, London and Melbourne, 1883, Vol. 1, pp 198-199.

failure to provide adequate reserves for Maori. Contemporary public controversy resulted in a considerable body of historical evidence in the case of a Ngai Tahu reserve in Princes Street, Dunedin, and Rusden discussed the failings of the Crown at length in this case.⁴² He concluded that, "the General Government and the Otago Provincial Government conspired to defraud the Maoris of their reserve at Princes Street in Dunedin."⁴³ He regarded this as a "crime ... too significant to be passed over."⁴⁴

Rusden was also the first to examine the Crown's legislative framework for the administration of Native reserves. He cited the words of Henry Sewell, the architect of the New Zealand Native Reserves Act 1856, that the Act was designed to "extricate the Maoris from tribal barbarism." In response Rusden, remarkably for his time, argued that this Act was a clear breach of the Treaty of Waitangi: "It was, in fact, an impeachment of their guaranteed rights, and well known to be so by those who framed it."⁴⁵ Rusden argued this on the grounds that by requiring the assent of ministry the Act made the Governor "a co-agent [along with the ministry] of defrauding the Maoris."⁴⁶ Rusden is almost alone in this era in citing examples of Maori engagement with and opposition to the Crown's administration of the tenths reserves. He quotes at length both Wiremu Tako Ngatata's desire for Maori to manage their own lands and Tawhai's comparison of the Native Reserves Bill 1873 to fish with bones.⁴⁷

The first published work about Native reserves in New Zealand was the 1929 history of the New Zealand Company's tenths reserves written by Roland Jellicoe of the Native Trust Office.

⁴² Ibid, Vol. 2, pp 324 – 339.

⁴³ Ibid, p 324.

⁴⁴ Ibid, p 324. In 1991 the Waitangi Tribunal reported on the Ngai Tahu claims including claims relating to the Princes Street Reserve. The Waitangi Tribunal found that the reserve was not suitable for the purpose and had been used only intermittently by Ngai Tahu and "were unable to sustain the claimant's grievance ... that they were prejudiced by the failure of the Crown to formally reserve the Princes Street reserve in 1853." However they did conclude that the Crown ought to have met its obligation to provide tenth reserves in the Otakou purchase (Waitangi Tribunal, *The Ngai Tahu Report*, Brooker and Friend Ltd, Wellington, Vol. 1, pp 44 – 51).

⁴⁵ Rusden, 1883, Vol. 1, p 568.

⁴⁶ Ibid.

⁴⁷ Ibid, Vol. 3, pp 66 – 7 and p 463 respectively. Wiremu Tako Ngatata a chief with connections to Ngati Te Whiti and Ngati Tawhirikura was a member of the Legislative Council from 1873 until his death in 1887 (*Dictionary of New Zealand Biography*, Vol. 1 (1789-1869), Bridget Williams/Department of Internal Affairs, Wellington, 1990, pp 313 – 315). After petitions from Maori the Native Reserves Bill 1873 was amended to contain significant provision for a board of Maori assistant commissioners in each district headed by a Pakeha commissioner and reserves were to be legally vested in the district commissioner. Despite these extensive modifications the Bill was passed but never implemented (Johnson, 1997, pp 77 – 83).

It was an attempt to reconcile the tenth reserves originally allocated by the Company to Maori in Wellington and Nelson with those listed in schedule D of the Native Reserves Act 1873.⁴⁸ It was laid on the table in the House by leave and printed as G-1 in the *Appendices to the Journals of the House of Representatives* in 1929, but nothing further is known about its genesis. Jellicoe provided the first narrative of the Company and Crown's administration of the tenth reserves in Wellington and Nelson. However, in places this is little more than a sketch; for example, the whole period of the Public Trustee's administration between 1882 and 1921 is dismissed in one sentence.⁴⁹ He made little comment about the failure of the legislation to give Maori any control of their reserves. Only once does Jellicoe note any Maori reaction to the legislation and this is simply quoted rather than discussed.⁵⁰ Jellicoe shared with other historians of the period a preoccupation with the Wakefields and the Company as founders of the nation State and a view of the Company's reserve policy as essentially protective of Maori interests.⁵¹ However, because the history's purpose was to investigate the fate of the reserves and reconcile the area allocated with that which remained in 1873 there was considerably more evaluation of how well the Company's intention translated into reality.⁵² As a consequence Jellicoe provided the first assessments of factors which prevented the Company from successfully fulfilling its high ideals. Overall they concluded that:

The founders of the Company were men of high ideals, who were sincere in their desire that the interests of the Native race should be safeguarded. The chief fault was the lack of proper inquiry into the validity of the titles supposed to be conveyed by the Native vendors, and in this the Company cannot be held wholly to blame.⁵³

Jellicoe did not question whether the New Zealand Company was right in making the Native reserves and holding them in trust for Maori. Despite some recognition of the irregularities in the Company's early purchases, the purchases and the reserves are essentially viewed as the means that justified the end – the successful and stable colony.

⁴⁸ Roland L. Jellicoe, *The New Zealand Company's Native Reserves*, published under the authority of the Hon. Sir Apriana Ngata, M.A., LL. B., Minister in Charge, Native Trust Office, Government Printer, Wellington, 1930, p. vii.

⁴⁹ *Ibid.*, p. 87.

⁵⁰ *Ibid.*, p. 79.

⁵¹ *Ibid.*, preface and p. 9. They take the view, as had Mellor, Morrell etc, that Governor Grey's administration was particularly concerned with Maori welfare and civilisation (pp. 49 – 73).

⁵² *Ibid.*, preface.

⁵³ *Ibid.*, p. 89.

In Taranaki, the Company's tenths reserves were rapidly abolished, and therefore received almost no attention in New Zealand histories before 1960. The marginalisation of Native reserves in Taranaki in these narratives was compounded by provincial histories dominated by two themes: the acquisition of land for British settlement, and the armed conflict between Maori and Pakeha. The trajectory of these narratives emphasized how these obstacles to 'progress' and to the development of a settled, peaceful province were overcome.⁵⁴ This pattern left little room for consideration of the relationships between Crown, Maori and settlers in managing the Native reserves for mutual benefit.

New Perspectives: Re-evaluating the Impact of Colonization

In the works of some historians of the late 1960s to early 1980s a marked shift to a more critical approach to the colonizing enterprise can be detected. In particular, there were attempts to re-examine the Crown's policy of the assimilation of Maori and the place of 'protective' policies such as the provision of Native reserves. There was also a new focus on the impact of that colonization upon Maori. As part of that inquiry historians began to evaluate the extent to which Maori engagement with the developing settler society in New Zealand changed Maori society. As a consequence of these shifts Maori began to move closer to the centre of the historian's gaze, and historians made some attempts to recognize and account for Maori motivations and initiatives: to accord Maori actors a degree of agency. We also see the beginning of an exploration of the Maori world-views and perspectives that formed the context for those actions. However, these trends remained somewhat uneven and historians were not able to entirely escape the Whiggish influences of the past with narratives still substantially shaped by examination of the development of the nation State and its mechanisms of governance.

It is not terribly surprising that historians began to question the impact of colonization on indigenous peoples at this time. The civil rights and protest movements of the 1960s and 70s brought a new awareness of minority and indigenous rights, and the struggle of many former colonies for independence in this period formed the social and political context in which

⁵⁴ See for example Wells, 1878; J S Tullet, *The Industrious Heart: A History of New Plymouth*, New Plymouth City Council, New Plymouth, 1981 and Brian Scanlan, *Taranaki People and Places*, published by the author and printed by Thomas Avery and Sons, New Plymouth, 1985.

historians wrote. McHugh argued that "the pressure of decolonization" experienced by the Commonwealth was largely responsible for "the Whiggish theme of the colonial replication of Westminster democracy under devolving Crown sovereignty [losing] power as an historiographical imperative of Commonwealth history."⁵⁵ In New Zealand, Maori grievances became increasingly visible from the mid-1970s with the 1975 Land March, the rise of Nga Tamatoa, the establishment of Waitangi Day and its use as a forum for protest, and Maori occupation of Bastion Point and of the Raglan Golf Course in 1978–79.⁵⁶ The fiction of harmony and progress that the Whig narratives of New Zealand race relations had helped to create could no longer be sustained in the face of the reality of Maori experiences of colonization, and in particular the past actions of the Crown.⁵⁷

Keith Sinclair's 1957 *Origins of the Maori Wars* was a landmark foreshadowing this re-evaluation of colonial conflict between Maori and Pakeha. A decade later the Australian historian, B J Dalton in his *War and Politics in New Zealand, 1855 – 1870* (1967), examined New Zealand Native policy and its relationship to the colonial enterprise.⁵⁸ However, he was often unable to avoid framing his analysis of Native policy in terms of the relationship between the British and New Zealand Governments, and the introduction of responsible government. What was new about Dalton's narrative was that instead of accepting that Government policy was essentially protective of Maori he evaluated the impact of colonization. This is particularly evident in his reassessment of Governor Grey's administration of Native policy. Dalton concluded that Grey's 1841 policy "advocated the immediate replacement of Native custom by British law and the deliberate destruction of chiefly authority – a policy, in short, "of rapid and forcible assimilation."⁵⁹ He does however concede that the circumstances Grey encountered in New Zealand led him to adopt a "wholly pragmatic" approach very close to the "paternalistic

⁵⁵ McHugh, 1997, p 43.

⁵⁶ Alan Ward, *An Unsettled History: Treaty Claims in New Zealand Today*, Bridget Williams Books, Wellington, 1999, pp 25 – 29.

⁵⁷ McHugh, 1997, p 50. These social changes coincided with the rise of a new generation of New Zealand historians who began to research, write and teach New Zealand history, university courses in New Zealand history, the emergence of local publishers supporting serious writing and the establishment of the *New Zealand Journal of History* in 1967 and the New Zealand Historical Association in 1969. (Bronwyn Dalley and Jock Phillips (eds), *Going Public: The Changing Face of New Zealand History*, Auckland University Press, Auckland, 2001, introduction, p 10).

⁵⁸ B J Dalton, *War and Politics in New Zealand, 1855 – 1870*, Sydney University Press, Sydney, 1967, pp 1 – 2.

⁵⁹ *Ibid*, p 47.

approach he had condemned in theory."⁶⁰ Dalton examined and questioned the appropriateness of the Government's assimilation policy for Maori and its impact on their society. He uncovered the assumptions that underpinned the policy, observing that the colonists "never dreamed that any aspect of Maori culture might be worth preserving" and believed "it self-evident that the settlers represented a superior civilization which must wholly supersede or absorb the inferior."⁶¹

Dalton asked a new question, which has since become central to the discourse of the colonial experience of Maori: to what extent was Maori society changed or damaged or able to adapt to colonization?⁶² Dalton weighed the negative impacts of disease and alcohol on the social, cultural and economic structure of Maori society against the advantages of 'civilisation.'⁶³ He concluded that traditional Maori society was irreparably damaged by the onslaught of another culture, arguing that "European influence had destroyed the customs that set apart the aristocracy, rangatira, from whom leadership had come. It had also made obsolete the skills in war and peace which were the sources of personal authority, mana."⁶⁴ While his analysis was a valuable counter-balance to previous assumptions of the power of Government policy to protect Maori from such negative impacts, the danger, which he was not wholly able to avoid, was that such an assessment risked characterizing Maori as victims and discounting Maori agency.

Alan Ward's meticulous and finely balanced 1973 study, *A Show of Justice: Racial Amalgamation in Nineteenth Century New Zealand* was still to some extent framed by the Whiggish preoccupation with the development of the State. He acknowledged that the main theme of his work was "the building in New Zealand of a bureaucratic machinery of state, and

⁶⁰ Ibid.

⁶¹ Ibid, p 6.

⁶² A recent essay by the Ngai Tahu historian, Te Maire Tau 'Matauranga Maori as an Epistemology' in *Histories, Power and Loss. Uses of the Past – A New Zealand Commentary*, Andrew Sharp and Paul McHugh (eds), Bridget Williams Books, Wellington, 2001, 61 - 74 fits within this concern with this larger question in that he discusses the impact of colonisation of Maori knowledge systems (matauranga Maori). For two different perspectives on Tau's essay see the review of this collection by Kerry Howe, NZJH, Vol. 36, No. 2, 2002, pp 203 – 204 and the review by Michael King in *New Zealand Books*, June 2002, p 9.

⁶³ Dalton, 1967, pp 3 – 4.

⁶⁴ Ibid, p 4.

English concepts of law and judicial institutions."⁶⁵ However, Ward's work was innovative in that it placed Maori experience of the State at the centre of the narrative. In particular, he set out to survey the ways in which this "civil administration affect[ed] the Maori throughout the nineteenth century, especially as it relates to problems of social control and the practical application of British law" and to gauge "the attitudes of the Maori, a 'stateless' people, to the intruding machinery of the state."⁶⁶

Ward was also fundamentally concerned with the impact of the colonizing enterprise upon Maori society. He clearly articulated this question in a way which Dalton was unable to do, noting that:

Debate about the receptivity of Maori society to European ideas, artifacts and institutions is closely related to the question of whether Maori society became disrupted by early contact, or whether borrowings from the West were incorporated into a substantially intact traditional framework.⁶⁷

Ward concluded that the "traditional Maori social structure and value system were open and adaptive, not rigid or inflexible; and certainly the rivalry to demonstrate mana itself stimulated adventurousness and hence change."⁶⁸ However, he balanced this stance with recognition that from the time of early contact there were forces and inevitable changes that were beyond the control of Maori people and created "new stresses and anxieties."⁶⁹

Ward's assessment of Maori society as essentially adaptive and open to change presented new possibilities for constructing narratives in which Maori agency was given greater weight. More specifically it suggested to historians that colonization was an interactive process in which Maori were actors rather than passive victims. In this sense his work foreshadowed and laid the foundation for narratives which, as McHugh has expressed it, better reflect a history of "encounter, co-existence and competition."⁷⁰ Ward probed and weighed the complex motives Maori had for accepting, rejecting and modifying European technology, religion, and lifestyles.

⁶⁵ Ward, 1973, p 3.

⁶⁶ Ibid, p viii.

⁶⁷ Ibid, p 16.

⁶⁸ Ibid, p 18.

⁶⁹ Ibid, p 18.

⁷⁰ McHugh, 1997, p 39.

This led him to argue that on many occasions Crown officials and settlers mistakenly assumed that Maori were submitting to British direction and control when in fact they were simply demonstrating a "lively curiosity about British institutions."⁷¹ By pointing out that Maori and settlers viewed one another's behaviour through the lenses of their own cultural assumptions Ward offered a new avenue for exploring the colonial enterprise. Ward concluded that policies of "amalgamation", as they were then called, were flawed by their "disastrously limited appreciation of local values, of local peoples' possible preference for their own institutions."⁷² However, his overall conclusion that amalgamation policies were "emasculated by European attitudes of racial or cultural superiority", and pandered "to settler prejudices, which denied the Maori real participation in the European order except at a menial level" closed down some of the possibilities his approach suggested.⁷³

Ward placed the allocation and management of Native reserves within the context of the Crown's policy of amalgamation. In particular he focused his attention on their use for 'beneficial purposes' that would integrate Maori into the settler world.⁷⁴ This certainly suggested a fruitful new perspective. It also signalled a departure from the historians' discussions of reserves within the context of policies that were considered essentially protective towards Maori. However to a large extent Ward, like previous historians, continued to focus upon the Native reserves of the New Zealand Company. Nevertheless as a consequence of his greater consideration of the administration of reserves he was able to draw attention to the lack of control Maori suffered in regard to their reserves, raising issues about trusteeship, ownership and Maori ability to lease and otherwise manage the reserves. He concluded that "High-flown humanitarian theories of how the Maori would benefit from the increased value of their reserved lands could not outweigh the fact that the lands in the 'reserved' category were no longer in Maori control."⁷⁵ Ward also sketched out many of the factors which were important to Native reserve usage and management before 1875, suggesting numerous avenues for further research. In particular, he recognized Maori struggle for survival on their inadequate reserves, their marginalisation in the growing urban settler

⁷¹ Ibid, p 15.

⁷² Ibid, p 36.

⁷³ Ibid, pp 39.

⁷⁴ Ibid pp 88 – 9.

economy, and the inability to effectively use reserves "owing to the confusion of the non-traditional form of multiple ownership introduced by the Land Court."⁷⁶ The effectiveness of administration of the reserves by Commissioners under the New Zealand Native Reserves Act 1856 and Maori responses to that administration were canvassed as were possible reasons why Maori sold reserves.⁷⁷

By the mid-1970s the first Maori historians were emerging and offering an insider analysis of the way in which Maori control of their future had been severely constrained by colonial policy. In his 1977 book, *Maori Land Tenure: Studies in a Changing Institution* Hugh Kawharu concluded, that:

As events were to prove, policy and pace of colonization were regulated simply by circumstances. Thus while sometimes it was said that the interests of the Maori were to be paramount - that colonization should not serve them ill or proceed without their free consent - at other times regard for the interests of the Maori was subordinated to regard for the interests of the Europeans. The plain fact of the matter was that the long-term interests of Maori and European colonists were opposed.⁷⁸

Kawharu's work also revealed publicly a coherent body of basic Maori values, perspectives and practices underpinning land use and ownership that most Pakeha New Zealanders had never realised existed. This made a significant contribution to historians' understanding of the fundamental concepts and tikanga shaping Maori experiences of and actions in the colonial encounter. At the same time, Kawharu's conclusions about Native policy were symptomatic of the emergence of long-held Maori grievances against the Crown from the relative obscurity of the Maori world into the public arena, and the way in which they were undermining Whiggish certainties about the protective nature of Crown policies and practices.

By the beginning of the 1980s the field of New Zealand history was considerably broader than it had been a decade before. The editors of the 1981 *Oxford History of New Zealand* noted that the historiography had enlarged to encompass the intersection of political, economic, social and cultural narratives and that historians had begun to turn their attention "towards basic

⁷⁵ Ibid, p 151.

⁷⁶ Ibid, p 221.

⁷⁷ Ibid, pp 93, 151 and 252 - 3.

social questions – to the evolution of both Maori and Pakeha society, their unity and their separateness.”⁷⁹ Keith Sorrenson's essay, 'Maori and Pakeha', as the title suggests, moved right away from Whiggish preoccupations about the evolution of the State and instead constructed a new narrative of the impact of colonization around British settler agendas of progressively civilising, amalgamating and absorbing (or assimilating) Maori into an Anglo-settler society.⁸⁰ In evaluating the effectiveness of this agenda Sorrenson is particularly interested in the mechanisms used in this process (especially education and intermarriage) and their impact on inter-cultural relationships. Yet he does not simply take it for granted that assimilation was the correct course of action; Maori actors are given agency through a consideration of their responses and interaction with Pakeha. In particular he asks not just how well did these mechanisms work but how well did policies of amalgamation, and eventual assimilation equip Maori to combat civilisation?⁸¹

One of the most significant aspects of Sorrenson's essay is the way in which he unfurled 'the progress of the colony' in an entirely new way. The events that mark the development of New Zealand in his narrative centre firmly on the acquisition of land from Maori and the subsequent conflicts and resolution of those conflicts which these initial acquisitions caused. Thus his narrative begins with the pre-1840 purchases of land from Maori, their examination by the Spain's commission, the purchases of the 1840s and 50s under Governors FitzRoy and Grey and the New Zealand Wars of the 1860s (and their final conclusion at the arrest of Rua Kenana in the Urewera in 1916).⁸² No only are the events that mark out this narrative different from those which had been used by historians before but so too is Sorrenson's consideration of Maori resistance. For Sorrenson the colonial period was more than "a naked contest for land, important though this was. It was also a contest for authority, for mana, for authority over the land and the men and women it sustained."⁸³ This new narrative, its markers

⁷⁸ Kawharu, *Maori Land Tenure: Studies in a Changing Institution*, Clarendon Press, Oxford (UK) and New York, 1977, pp 6 – 7.

⁷⁹ W H Oliver and B William (eds), *The Oxford History of New Zealand*, Oxford University Press, Wellington, 1981, introduction, viii and ix.

⁸⁰ Sorrenson, 1981, p 169.

⁸¹ *Ibid*, p 171.

⁸² *Ibid*, p 172 – 188.

⁸³ *Ibid*, p 175.

and themes would come, in the next two decades in the Waitangi Tribunal's work, to be the dominant construction of the colonial past.

Ann Parsonson's 1981 essay 'Pursuit of Mana' was amongst the first attempts by a New Zealand historian at getting behind the façade of Maori-Crown transactions and making sense of Maori actors using Maori values and concepts.⁸⁴ Parsonson considered the traditional expressions of mana, and argued that Maori society tended to reinterpret traditional practices to incorporate and adapt the new. Thus, during colonisation, "as a variety of new ways of pursuing traditional social and economic rivalries came to hand, they were taken up with unabated vigour."⁸⁵ Cast in this light Parsonson argued that the public ceremony of payment of land was seen by Maori as "a recognition of their claim to the land involved", a recognition of the mana of the sellers.⁸⁶ Traditional practices and values by which strangers are incorporated into Maori communities suggested to Parsonson that for Maori the 'sale' of land was intended as a way of incorporating settlers into their world and forming relationships with them based on expectations of ongoing benefits for both parties: "chiefs everywhere sought access to the skills and goods the Pakehas brought with them, to markets they offered, the employment they provided."⁸⁷ This raised the possibility that for Maori selling land was not so much an alienation of the land from their control but that "by installing Pakeha, they had simply put it to a different use."⁸⁸ These arguments alert historians to the importance of relationship in Maori world-views, and to a counter-interpretation of the sale of land. These ideas can easily be extended to transactions between Maori, settlers and the Crown over Native reserves, and as such offer an important lens through which to view, explore and explain the tensions between Maori and Pakeha motivations, understandings and expectations in a variety of transactions.⁸⁹

⁸⁴ Ann Parsonson, 'The Pursuit of Mana' in *The Oxford History of New Zealand*, W H Oliver and B R Williams (eds), Oxford University Press, Wellington, 1981, pp 140 – 167. For a reply to Parsonson's arguments see Angela Ballara, 'The Pursuit of Mana: A Re-evaluation of the Process of Land Alienation by Maoris, 1840 – 1890', JPS, Vol. 91, No. 4, December 1982, pp 519 – 541.

⁸⁵ Parsonson, 1981, p 142.

⁸⁶ Ibid, p 147.

⁸⁷ Ibid, p 149.

⁸⁸ Ibid, p 148.

⁸⁹ Parsonson's 1992 essay 'The Challenge to Mana Maori', informed by her participation in the Ngai Tahu inquiry, strengthened the perspectives of her 1981 essay but also delineated more clearly the constraints and pressures experienced by Maori in their transactions with the Crown. (Ann Parsonson, 'The Challenge to Mana Maori' in *The Oxford History of New Zealand*, 2nd Edition, Geoffrey Rice (ed), Oxford University Press, Wellington, 1992, pp 167 – 200).

The Waitangi Tribunal's Reports

The Development of a Bi-cultural Lens

The historical investigation of the Waitangi Tribunal into Maori claims against the Crown since 1985, when the Tribunal was granted jurisdiction to examine events dating from the signing of the Treaty of Waitangi in 1840, is the most radical review and revision of the nature of the colonising enterprise and its outcome for Maori in New Zealand's history. As a consequence the reports of the Waitangi Tribunal have profound implications for the foundations on which historians base their interpretations of our past. Four significant components of the Tribunal's approach have particular implications for histories of Native reserves. The first component is the foundation of all the others: the Tribunal's interpretation of the Treaty and the obligations of the Crown towards Maori. From this flow reassessments of Crown-Maori relations and of the loss of land and other taonga. Most of all this framework has resulted in an entirely new bi-cultural lens which has restored Maori values, laws and world-views to an equal place in historical narratives alongside those of the British colonisers. It is this bi-cultural approach that has come, above all to characterise the Tribunal's work.

It is in the Tribunal's reports that the development of this bi-cultural approach can be traced. Its basis has been a fundamental re-interpretation of the Treaty and its meaning. By considering the differences in meaning between the Maori and English texts of the Treaty and giving particular weight to the Maori text as the version which most Maori signed the Tribunal has redefined the rights and obligations of Maori and the Crown towards one another. In weighing the meaning of 'sovereignty' and 'kawanatanga', 'possession' and 'rangatiratanga' the Tribunal concludes that Maori who signed the Treaty had ceded to the Crown "the authority to make laws for the good order and security of the country but subject to Maori interests." In return Maori retained not only their possession of their lands and other taonga but also "the mana to control them in accordance with their own customs and having regard to their own cultural preferences."⁹⁰ The Tribunal argues that as a result the Crown has an obligation to ensure that Maori were left with sufficient land for their maintenance and support.⁹¹

⁹⁰ Waitangi Tribunal, *Report of the Waitangi Tribunal on the Manukau Claims*, Government Print, Wellington, 1985, pp 90 – 91 and Waitangi Tribunal, *The Orakei Report*, Brooker and Friend Ltd, Wellington, 1987, pp 208 – 209.

⁹¹ *The Orakei Report*, 1987, p 210.

This reassessment provides a new conceptual framework within which Crown-Maori relations, Crown policies and their impact can be measured. These fundamental rights and duties are further supported and delineated by an emphasis on the principles of the Treaty. In the 1990s, after the 1987 New Zealand Maori Council case in the Court of Appeal, which defined the principles of the Treaty, the Tribunal began to apply these principles to historical claims and this has led to a more thorough definition of the duties of the Crown towards Maori. McHugh argues that this approach has also re-interpreted the Crown-Maori relationship as "horizontal" in that it is seen as a partnership between two politically autonomous parties rather than the previous "verticalized" Crown-subject conception. As a result a new historiography "of co-existence, dialogue and negotiated, ritualised contest" has emerged.⁹² These new developments are first apparent in the Tribunal's 1991 *Ngai Tahu Report* and continued in the 1996 *Taranaki Report: Kaupapa Tuatahi* and the 1999 *Whanganui River Report*.⁹³

In viewing Maori and the Crown as Treaty partners who ought to have equal mana the Tribunal has developed a bi-cultural lens through which it has explored the cultural context in which the colonial encounter occurred. This has had enormous benefits for historians by providing a means of understanding how Maori world-views and the values and laws that underpin them have shaped Maori experiences of colonisation. The importance of this perspective can be seen in the Tribunal's *Muriwhenua Land Report*, 1997 and in the *Whanganui River Report*, 1999 where some of the earliest chapters in these reports offer a detailed investigation of Maori laws of relationships, values and contracts as well as an examination of the nature of Maori authority. These are then explicitly compared and contrasted to British values and laws in the same period.⁹⁴ In doing so the Tribunal is then able to offer explanation of Maori expectations, motivations and reactions in their transactions with the Crown. In particular these reports conclude that Maori desired a future based on mutually beneficial relationships between equal and autonomous parties.⁹⁵ Therefore, the political question for Maori often became not "whose authority should prevail, that of Maori or that of the Queen" but rather "how the respective authorities of Maori and Pakeha were to be recognised and respected and the

⁹² McHugh, 1997, p 49.

⁹³ *Ngai Tahu Report*, 1991, Vol. 2, pp 218 – 245.

⁹⁴ Waitangi Tribunal, *The Muriwhenua Land Report*, GP Publications, Wellington, 1997, pp 21 – 29 and Waitangi Tribunal, *The Whanganui River Report*, GP Publications, Wellington, 1999, pp 28 – 54.

partnership maintained."⁹⁶ This bi-cultural approach has indicated that Maori, and not just the Crown, had policies about British settlement and the future of Maori and Pakeha. This approach has been largely responsible for restoring the agency of Maori actors in historical narratives. At the same time this lens has prompted a more complete examination of British settler views of themselves and of Māori, thus offering the real possibility for a more nuanced reading of New Zealand's past.

The Bi-cultural Lens and Native Reserves in the Tribunal's Reports

The Tribunal's evolving Treaty jurisprudence as outlined above has radical implications for the Tribunal's view of the history of Native reserves. The obligation of the Crown to ensure that Maori interests are protected and that iwi have enough land to enable them to participate as equal Treaty partners in the development of New Zealand have led to a heavy emphasis on questions about the creation and alienation of Native reserves. In particular the Tribunal has asked whether Maori received sufficient reserve land to provide an economic base to participate in the evolving nation as equal Treaty partners. They have also tried to assess the extent to which Native reserves were alienated and to investigate the Crown's failure to prevent their loss. Although there are distinctive Treaty issues relating to Native reserves the Tribunal's approach also places them in the wider context of the loss of land, resources and other taonga, making clear for the first time the enormity of Maori loss, the pervasiveness of that experience and the means by which it occurred.

This focus is evident in the reports of the Tribunal that have dealt with Native reserves, beginning with *The Ngai Tahu Report*, 1991; *Te Roroa Report*, 1992; *The Taranaki Report*, 1996; *The Muriwhenua Land Report*, 1997 and most recently the Wellington report: *Te Whanganui a Tara me ona Takiwa Report*, 2003. In the case of Ngai Tahu the Tribunal found that: "Ngai Tahu, as owners of the land, were entitled to be left with 'ample', that is to say more than adequate land. Ten or fifteen acres per head was no more than sufficient for a bare subsistence." The Native reserves allocated should have been enough "to enable them to live

⁹⁵ *The Whanganui River Report* 1999, 1999, pp 106 – 107, 109.

⁹⁶ *The Taranaki Report*, 1996, pp 5 – 6.

comfortably and prosper."⁹⁷ In the *Muriwhenua Land Report*, the Tribunal concluded that, "while both sides assumed that Maori should benefit from European settlement, there was no drive to reserve the land that Maori needed for that purpose. The result was the virtual exclusion of Maori from the central Muriwhenua bowl, on the rims – politically, socially, and economically."⁹⁸ However, while these are obviously profoundly important matters, they constitute only the beginning and end of the history of Native reserves allocated to particular iwi and hapu. To truly make sense of the significance of Native reserves we have to examine how Maori and settlers were utilising the reserves, and the economic and social relationships that this involved.

By using a bi-cultural lens the Tribunal has made the connection between the provision of Native reserves and the Crown's agenda of assimilation. In their *Te Roroa Report*, 1992 the Tribunal concluded that "In practice there was a general reluctance on the Crown's part to set aside Native reserves. Rather, Maori were to participate in the market economy, be brought directly under British law and institutions and become part and parcel of colonial society."⁹⁹ The Tribunal has also been able to provide useful new assessments of the effectiveness and impact of the protective and assimilationist strands of Crown policies and to illuminate the relationship between these two aims. In general, the Tribunal has concluded that the imposition of assimilation policies by the Crown in New Zealand was a denial of rangatiratanga, the right of Maori to autonomy and self-determination in the colonial enterprise, guaranteed by article 2 of the Treaty. The Crown's Treaty obligation to actively protect Maori was seen to extend to protecting both their rangatiratanga and taonga. This reassessment has the effect of permanently severing old Whig identifications of assimilation policies with the protection of Maori interests. In the Tribunal's post 1990 narratives assimilation and protection are regarded as opposing impulses in Crown policy. In its *Te Roroa Report* in 1992 the Tribunal commented that "Right from the beginning of British intervention in New Zealand official attitudes and policies on reserves reflected the conflicting objectives of protection and

⁹⁷ *Ngai Tahu Report*, 1991, p 339. The Tribunal in the Muriwhenua Land case made similar arguments about the quantity and quality of the reserves provided in that district." (*The Muriwhenua Land Report*, 1997, p 332).

⁹⁸ *The Taranaki Report*, 1996, pp 41 & 53 and *The Muriwhenua Land Report*, 1997, p 205 respectively.

⁹⁹ Waitangi Tribunal, *Te Roroa Report*, Brooker and Friend Ltd, Wellington, 1992, p 91.

assimilation."¹⁰⁰ In the 1999 *Whanganui River Report* it argued that "The early governors were instructed to protect Maori customs not inconsistent with the principles of humanity from the operation of English law. However, the ultimate objective of British policy was to assimilate Maori into English law and political institutions."¹⁰¹

Tribunal Historical Research on Native Reserves

In addition to the published reports of the Waitangi Tribunal, the Tribunal's process has generated a substantial body of commissioned historical research. Donald Loveridge's examination of the origins of the Native Lands Acts and the Native Land Court does much to uncover the ideas at the heart of the British colonial enterprise, and illuminate the world-view of the colonisers. Loveridge pointed out that beliefs about the superiority of "Christian civilisation based on sedentary agricultural" and in particular British "culture, religion and empire" sat alongside genuine beliefs in the ability of 'savage' nations to be raised up to the level of the 'civilised'.¹⁰² In particular he has been able to locate the development of the New Zealand Company's Native reserve policy in the "cross-fertilisation" of two "dominant schools of [British] colonial reform" in the 1820s and 1830s: the humanitarian concern with minimising the damage inflicted on indigenous people during colonisation and the ideas of those advocating systematic colonisation as the most economically viable means of creating British settlements.¹⁰³

Surprisingly, considering the vast number of reports on the Tribunal's record, only four are directly relevant to Native reserves made in purchased blocks. In 1991 a two-volume title history of the Native reserves created in the purchased blocks of North Taranaki was completed for the Taranaki inquiry.¹⁰⁴ This was followed in 1997 by two general works examining the Crown's Native reserves policy produced as part of the Tribunal's Rangahaua Whanui series: Ralph Johnson's *The Trust Administration of Maori Reserves, 1840 – 1913* and

¹⁰⁰ *The Te Roroa Report*, 1992, p 91.

¹⁰¹ *The Whanganui River Report*, Waitangi Tribunal, 1999, pp 105 – 106.

¹⁰² Loveridge, 'The Origins of the Native Lands Acts and Native Land Court in New Zealand', 2000, p 20.

¹⁰³ *ibid*, pp 16 – 20.

¹⁰⁴ Ford, 1991 and Harris, 1991.

J E Murray's, *Crown Policy on Maori Reserved Lands, 1840 to 1865 and Land Restricted from Alienation, 1865 to 1900*.¹⁰⁵

Johnson and Murray provided the first detailed and systematic examinations of Native reserve policy, legislation and administration; this alone makes their reports significant reference works. They cover somewhat similar territory and so are treated together here. Of the two, Johnson provides the fuller examination of the phases of New Zealand Company and Government administration of Native reserves from 1840 onwards and the origins and purpose of the New Zealand Native Reserves Act 1856.¹⁰⁶ However, because these reports are by way of national overviews, they necessarily focus on central government. As a consequence the role of Maori in administering their reserves is not explored to any real extent. The focus on central government also precluded a full examination of the implementation of central government policies, legislation and administration in each province. However, both Johnson and Murray acknowledged that what actually happened to reserves in a particular place depended on local circumstance and relationships.¹⁰⁷ In addition Johnson did attempt to examine the situation in each province, but was hampered by the time constraints of the project and by the fragmentary nature of the primary evidence.¹⁰⁸ Therefore, lack of data and the abolition of tenths reserves there limited his consideration of Taranaki Native reserves.¹⁰⁹

The overviews of Johnson and Murray also highlighted several consistent themes running through Native reserve policy, legislation and administration. Both connected the Crown's management of Native reserves to wider Native policy objectives: trusteeship, assimilation and tenure 'reform'. Johnson's report traced the origins and evolution of the concept of trusteeship and its use by the New Zealand Company and by the Crown in legislation and administration.¹¹⁰ While Murray sketched the evidence for asserting that Native reserve policy was heavily underpinned by the desire to individualize title to Native land, Johnson paid particular attention to the attitudes and understanding of Henry Sewell, the architect of the

¹⁰⁵ Johnson, 1997 and J E Murray, *Crown Policy on Maori Reserved Land*, 1997.

¹⁰⁶ Johnson, 1997, pp 23 – 28.

¹⁰⁷ Murray, 1997, pp 5 – 6.

¹⁰⁸ Johnson, 1997, p 23.

¹⁰⁹ Ibid, pp 11 – 14, 16 – 18.

¹¹⁰ Ibid, pp 1 – 54.

1856 Act, and noted that the Act was the first statute that provided for the individualization of title to Native Land.¹¹¹ Johnson and Murray also flagged two other important issues affecting the nature of the reserves: confusion and debate over their purpose and legal status, and the influence of settler opinion and demands on reserve location. Johnson explored several contemporary debates. Firstly, he considered whether the Native title had been extinguished over reserves at the time of the purchase of the block of land surrounding them, and whether, therefore, they were Crown land or remained in Native title.¹¹² Secondly, he discussed debates over the utilization of tenths: whether they were to be occupied by Maori, or leased by trustees on their behalf with the revenue providing funds for schools, hospitals and other amenities.¹¹³ All these themes and issues point to fruitful avenues for further research.

Ford's and Harris' title histories of Native reserves in various purchase blocks in Taranaki were intended as companion volumes and both follow the same format. Their introductions indicate that they were commissioned to provide very basic data about the reserves after it became clear at a Tribunal hearing in June 1991 that "there was a need to identify all the Native reserves made to Maori within the land purchases 1844 – 1860 and to find out about their ensuing history."¹¹⁴ As a consequence of this brief, and the very short period of time allocated for researching and producing the reports, the focus was on locating each reserve, establishing its size, and how it was alienated. A summary of the total area of reserves created, the percentage of the purchase block reserved, and general conclusions about the methods of alienation are provided.¹¹⁵ The title accounts provided an initial database for investigating the history of these reserves but when examined closely proved to be incomplete in many places. The reports were unable to give any attention to where reserves fitted into the

¹¹¹ Murray, 1997, pp 9 – 21 and Johnson, 1997, p 27. He also notes Native Secretary, T H Smith's 1859 instructions to Native Reserves Commissioners to subdivide and individualize title to reserves (Johnson, 1997, p 36).

¹¹² Johnson, 1997, pp 5 – 7. Murray also covered this debate, Murray, 1997, p 6.

¹¹³ Johnson, 1997, pp 9 – 10.

¹¹⁴ Ford, 1991, p 1.

¹¹⁵ Ford, 1991, p 4 and Harris, 1991, p i – iv.

Crown's Native policy and gave only limited attention to Native reserves legislation and the administration of the reserves.¹¹⁶

In providing an overview of the Rangahaua Whanui research Alan Ward dealt with the history of Native reserves and restrictions on alienation together, and this led to conclusions which were less focused on Native reserves. However Ward did conclude that the

whole question of reserves and restrictions on title reflects the ambivalence between the view of Maori as individuals having full control over their property (including the right to sell it) and that of Maori as inheritors of a tribal patrimony much of which (at least) should be preserved under article 2 of the Treaty for future generations.¹¹⁷

In other words, there were significant tensions within Native reserve policy between the "trusteeship of the Crown" which suggested that significant portions of land ought to have been protected from alienation and the demands for "formal equality with settlers" which implied "that Maori should be free to deal with their own land as they saw fit, including sell it."¹¹⁸ These tensions were closely connected with visions of the future of Maori in New Zealand society and the role that Native reserves should play in assimilating Maori into an Anglo-settler society.

The Colonial Enterprise in Recent Maori and Pakeha Historiography

Since 1990 there has been a flood of publications about the Treaty of Waitangi, sovereignty, race relations, the New Zealand Wars, Maori society and the colonial encounter in New Zealand generally. Amongst these have been contributors from legal, anthropological, economic and historical disciplines employing a variety of approaches. These have been able to provide perspectives on the cultural, intellectual, spatial, economic and legal dimensions of the colonial enterprise. It can be argued that these new narratives form, in McHugh's words, "more truly a historiography of encounter and one more attuned to the circumstances of contemporary New Zealand political life than one that assimilates Maori into submissive, supplicant status."¹¹⁹ In respect of the topic of this study such studies offer new ways of understanding how Native reserves fitted into the respective visions of Crown and Maori for

¹¹⁶ Ford noted that there was a need for an analysis of the legislation and Native reserve policy, especially for the period before the Native Reserves Act 1856 (Ford, 1991, p 6). Johnson and Murray's 1997 reports later filled this gap, to some extent.

¹¹⁷ Alan Ward, *National Overview*, Vol. II, Waitangi Tribunal Rangahaua Whanui Series, Wellington, 1997, p 277.

¹¹⁸ *Ibid*, p 276.

inter-cultural relations in New Zealand after 1840. In addition, recent work by Maori historians suggests that Tribunal-inspired narratives of loss and conflict constructed through the lens of the principles of the Treaty may be limited in their ability to encompass the totality of Maori experience in the period before 1860.

Post-colonial approaches to Maori-Pakeha relations, notably the work of Giselle Byrnes on colonial landscape and surveying, have turned away from the previous focus on the political and legal means by which New Zealand was colonised. Instead Byrnes argued that the task for the historian is to effect "a post-colonial unravelling of the many shifts and subtleties of the colonial project."¹²⁰ In particular her work suggests that a key dimension of the colonising enterprise was spatial and ideological. For Byrnes, "strategies employed in map-making – the re-inscription, enclosure and ordering of space" are "an analogue for the acquisition, management and reinforcement of colonial power."¹²¹ This approach reconfigures the colonising enterprise as, amongst other things, a series of conflicts and negotiations between two peoples with two utterly different cultural landscapes.¹²² That is, with very different visions of land, landscape, land use, and the place of people in that landscape.¹²³ Yet this contest is one in which each side exercised agency, won and lost rather than one in which Maori were inevitably overpowered. Byrnes suggested that

¹¹⁹ McHugh, 1997, p 57.

¹²⁰ Giselle Byrnes, *Boundary Markers: Land Surveying and the Colonisation of New Zealand*, Bridget Williams Books, Wellington, 2001, p 5.

¹²¹ Byrnes, 'Affixing Names to Places: Colonial Surveying and the Construction of Cultural Space in New Zealand', *New Zealand Studies*, Vol. 8, No. 1, March 1998, p 24.

¹²² "A cultural landscape, however, is a natural landscape that has been fashioned by a culture in a particular way. Cultural landscapes prioritize the human presence and its effects." (Byrnes, 2001, p 11).

¹²³ Byrnes argues that inevitably the Maori cultural landscape was over-written by that of the colonizers, the denial (implicit or explicit) of an already existing representation of landscape." (Byrnes, 'No Holidays are kept in the Bush: Surveying in Taranaki and the Discourse of Colonization', *Archifacts*, April 1993 No. 1, p 15). This Maori landscape she describes as an oral map (Byrnes, 1993, p 20). This is reminiscent of discussion by Barbara Bender on indigenous maps. Drawing on the work of Foucault, Bender argues that the written maps of colonizers and the oral maps of indigenous peoples can be considered as two discourses about landscape and meaning. The colonizer's map and discourse comes to be accepted as the dominant discourse; a bird's eye/God's eye view of the land with its homogenizing the grid that reinforces the exclusive ownership to a defined parcel of land, and the division of public and private space. The indigenous map becomes an alternative, often subjugated discourse emphasizing a ground level view of the land where an oral map records the social, economic, political and spiritual connection between individuals and groups (kinship) and with the land itself as part of a web of kinship (Barbara Bender, 'Subverting the Western Gaze: Mapping Alternative Worlds', in Peter J Ucko & Robert Layton (eds) *The Archaeology and Anthropology of Landscape: Shaping Your Landscape*, Routledge, London, 1999, pp 31 – 45).

to see colonisation simply as a one-way exercise of power ignores the often confused nature of colonial relationships. Instead, colonial contacts have been described as 'the middle ground' and the 'contact zone' – a place of negotiation, exchange and agency as much as expressions of power.¹²⁴

One of the strengths of Byrnes' approach is that it illuminates the early Victorian cultural notions that informed settler intellectual and physical constructions of landscape¹²⁵, and in this is part of a trend in recent historiography to reassess settler world-views. This offers the possibility of balancing the Maori perspectives which Tribunal narratives have delineated.

Understandings of place and landscape are central, in a quite different way, to the recent work of several Maori historians fruitfully combining the methods of academic history with perspectives which are firmly rooted in their experience of tribal narratives and tikanga.¹²⁶ Of particular interest are recent essays by Ngai Tahu historian Te Maire Tau and Te Atiawa historian Danny Keenan. Tau's and Keenan's approaches and the intellectual traditions they work in are somewhat different from each other, as are their distinctive iwi and hapu perspectives; however both hold that the organising principles of any historical narrative must be whakapapa. In his 2000 essay Tau gives a detailed and enlightening discussion of the way in which Ngai Tahu have viewed land as part of a whakapapa which includes atua, earth, sky, trees, elements, sea and people so that every entity in this cosmology is linked in a web of kinship.¹²⁷

In his 2002 essay Keenan argued that Maori "mediate" histories "through certain traditions, always with a strong sense of identity, legitimacy, and mana to the fore" and that "these mediated histories were always firmly located in specific historic landscapes, though these landscapes may have undergone marked and permanent change, and may even have slipped

¹²⁴ Byrnes, 2001, p 8.

¹²⁵ Byrnes, 2001, pp 18, 54 – 55.

¹²⁶ Te Maire Tau, 'From Better be Dead and Out of the Way' to 'To be Seen to Belong' in John Cookson and Graeme Dunstall (eds), *Southern Capital Christchurch: Towards a City Biography, 1850 – 2000*, University of Canterbury Press, 2000, pp 222 – 247. Also Danny Keenan, 'Bound to the Land: Maori Retention and Assertion of Land and Identity' in Eric Pawson and Tom Brooking (eds.), *Environmental Histories of New Zealand*, Oxford University Press, Auckland, 2002, pp 246 – 260.

¹²⁷ Te Maire Tau, 'Ngai Tahu and the Canterbury Landscape: A Broad Context', in John Cookson and Graeme Dunstall (eds), *Southern Capital Christchurch: Towards a City Biography, 1850 – 2000*, p 53.

from the ownership of the people."¹²⁸ For Keenan "the primary structuring device for this kind of approach was undoubtedly whakapapa, as asserted from the paepae" and this anchored people to a known landscape.¹²⁹ Keenan argues for writing histories using such guiding principles and suggests that these narratives would give "a better sense of how Maori people responded to change. It [this new approach] even suggests how Maori sought to control the meanings of that change – or perhaps even to assert that no real change had occurred, but that continuities with pre-contact tradition had been preserved."¹³⁰ Tau and Keenan both argue that the perspectives offered by whakapapa have the potential to provide viable alternative frameworks for the historical narratives of Maori-Crown relationships and the colonising enterprise. These alternative narratives move away from narratives of conflict and loss to emphasise the persistence of connections to place and the stability of tribal visions and agency.¹³¹

Lyndsay Head's 2002 essay, 'The Pursuit of Modernity in Maori Society: The Conceptual Bases of Citizenship in the Early Colonial Period', provides a Maori-centred perspective from a Pakeha historian on the evolution of Maori political philosophy during the nineteenth century. It has its origins in Head's extensive reading and translation of nineteenth century letters and documents written in te reo Maori by Maori individuals and leaders.¹³² To some extent Head deliberately placed her work against what she sees as the prevalence of autonomy as the organising principle of the recent historiography of nineteenth century Maori experience.¹³³ She argued that this dominance has had serious consequences for the way in which Maori actors and their descendants have been categorised as 'rebel' and 'loyal'. In response she postulates a more nuanced reading of Maori citizenship in the nineteenth century because, "the language

¹²⁸ Keenan, 2002, p 248.

¹²⁹ Ibid, p 260.

¹³⁰ Ibid, p 248.

¹³¹ Keenan acknowledges that it is the nature of Tribunal narratives to emphasise contact, conflict and deprivation but he suggests that we "should be looking beyond the stories of contact, conflict, and deprivation to histories which encompass the way in which nineteenth-century Maori people themselves perceived the totality of environmental change and sought to relate to it in a positive way – since identity and mana are positive things" (Ibid, p 248).

¹³² Andrew Sharp and Paul McHugh (eds), *Histories Power and Loss: Uses of the Past – A New Zealand Commentary*, Bridget Williams Books, Wellington, p vi.

¹³³ Lyndsay Head, 'The Pursuit of Modernity in Maori Society: The Conceptual Bases of Citizenship in the Early Colonial Period' in *Histories Power and Loss: Uses of the Past – A New Zealand Commentary*, Andrew Sharp &

in which many Maori in the early colonial period expressed a sense of being does not illustrate easy dichotomies."¹³⁴

Head's focus is on why Maori were neutral or actively supported British government. In many ways this is a question about the extent to which Maori society was changed, and changed itself in the colonial encounter, but it is also one that has not been addressed in our current historiography. Head argued that the tendency of historians to hold that Maori society simply adapted its existing practices to accommodate changes brought by colonisation ignores the thorough, fundamental and radical changes in the basis of Maori society. These, she argued, had their roots in the adoption of Christianity and "were all in one direction, and irreversible."¹³⁵

Head examined the way in which many Maori, particularly those considered by the Crown as 'friendly or loyal', used Christianity as the basis for a vision of a shared future, one based on Maori concepts of relationships and whakapapa extending to embrace settlers. She suggests the possibility that, at least in some times and places, the consensual and co-operative in Maori, Crown and settler relations were as significant as conflict, misunderstanding and loss. Head thus provides a model that suggests a number of very plausible motivations and expectations shaping the economic and social engagement of 'friendly' hapu with settlers and Crown officials in utilizing and administering their Native reserves in and around New Plymouth in the period before the wars of the 1860s.

Post-colonial spatial history and the Maori-centred approaches of Maori and Pakeha historians are concerned with the cultural and intellectual dimensions of colonisation. But there were also important economic and legal dimensions to the use and management of Native reserves, and to Crown agendas for the assimilation of Maori. Recent work in history, law and anthropology suggests new questions about the economic and legal aspects of Native reserve history. Steven Webster reviewed the ethnographic and anthropological literature on Maori economic

Paul McHugh (eds), Bridget Williams Books, Wellington, 2001, p 97. For comment on Head's essay see Kerry Howe's review of the collection in which it appeared, NZJH, 36 (2), 2002, pp 203 – 204.

¹³⁴ Head, 2001, p 98.

¹³⁵ Ibid, p 100.

responses and initiatives in colonial New Zealand.¹³⁶ He concluded that in investigating the economic dimensions of Maori colonial experience we must seek to avoid an "oppositional model" which interprets Maori society as either civilized or primitive; capitalist or tribal; and suggested the choice between "Maori traditionalism and assimilation (to capitalism)" is a false one.¹³⁷ Webster argued that for most Maori communities economic change lay somewhere between the poles of capitalism and tribalism. Yet, in his conclusions he leant towards the capitalist end of the continuum, arguing that Maori social structures could not be kept separate from "the acknowledged manifold change in production, distribution and consumption" which their engagement with the settler economy brought with it.¹³⁸ His analysis is helpful in any attempt to assess the ways in which Maori engaged with capitalism in the period before 1875, and in attempting to locate the use and ownership of Native reserves within their economy.

Spatial histories have emphasised the ways in which dividing the landscape into bounded parcels by surveying, mapping and naming, reinforced and legitimised western notions of private property and enabled these pieces of land to be traded in the capitalist economy. Legal historians, for their part, have increasingly focused on examination of the property rights associated with Crown-derived title and Aboriginal or Native title. Paul McHugh's seminal work on Native title clarified important connections between the Treaty and sovereignty, and Native title and customary law and tenure, placing his analysis of these issues in the context of British and Maori legal and cultural constructs.¹³⁹ John Weaver provided a clear analysis of the components of British concepts of property rights, a system in which "all the potential sticks in the bundle of property rights are gathered in a single owner."¹⁴⁰ He identified the key strands in this ideology of property as; "the idea of individualised land title", the "concept of productive usage" and the desire for "compact settlement" characterised by "concentration and contiguity."¹⁴¹ Weaver's analysis of the colonial frontier offers perspectives that could be

¹³⁶ Steven Webster, 'Maori Hapu as a Whole Way of Struggle: 1840s – 1850s before the Land Wars', in *Oceania* 69, 1998, pp 5 – 7.

¹³⁷ *Ibid.*, pp 7 and 15.

¹³⁸ *Ibid.*, pp 16 – 17.

¹³⁹ Paul McHugh, *The Maori Magna Carta: New Zealand Law and the Treaty of Waitangi*, Oxford University Press, Auckland, 1991.

¹⁴⁰ John C Weaver, 'Frontier into Assets: The Social Construction of Property in New Zealand, 1840 - 65', *The Journal of Imperial and Commonwealth Studies*, Vol. 27, No. 3, 1999, p 17.

¹⁴¹ *Ibid.*

employed to examine the impact settler ideologies of property rights had upon Maori ability to retain and exercise their property rights to Native reserves.

The place of Maori in narratives of colonisation in New Zealand has shifted dramatically since the 1970s. Before this period Maori were depicted as essentially an obstruction to the progress of the Anglo-settler State and as a result Maori remained on the margins of the historians' gaze. Since the 1970s, and especially since the historical investigation of the Waitangi Tribunal, the impact of colonisation upon Maori society has become a significant historical question. The colonising enterprise has been re-configured as the colonial encounter: one of conflict, contest and co-operation that gives a greater sense of Maori agency. At the same time Maori values and world-views have been restored to their rightful place in these narratives and have helped to explain this encounter from a Maori perspective. The old certainties of Whig narratives about racial harmony and progress have been shattered, leaving space for a more balanced and insightful reading of the Maori-Pakeha past.

The Structure of this Thesis

Chapter one of this thesis places Native reserve histories in the wider context of the historiography of colonial New Zealand and explores the evolution a number of significant and useful approaches to that past. Chapter two draws upon the bi-cultural approach of the Waitangi Tribunal to delineate early Victorian British perceptions of indigenous people and their role as colonisers and Te Atiawa Maori perceptions of land and relationships in terms of their expectations and perceptions of a relationship with the settlers. It examines the evolution of Company and Crown policies of assimilation and the function of Native reserves within that policy in this context and investigates the implementation and administration of the Company's tenths reserve scheme at New Plymouth between 1840 and 1844. This chapter closes with the abandonment of the Company reserves at New Plymouth and their replacement by the Native reserves of the FitzRoy block. An examination of the nature of these reserves provides an indication of the Crown's policy of Native reserves and suggests how these were shaped by settler and Te Atiawa agendas for the settlement at New Plymouth.

Chapter 3 examines the creation of Native reserves by the Crown in the Omata and Grey purchases around New Plymouth in 1847. It investigates Governor Grey's new policy for

Native reserves and the impact Ngamotu hapu wishes and settler pressure had on its implementation in these blocks. The aggregation of Native reserves is examined in terms of the tensions this created between settler attempts to keep Maori communities at a distance and ideals of assimilation. Ngamotu hapu understandings of the reserves and their utilisation of them as part of their highly successful engagement with the capitalist economy in the province between 1844 and 1858 are examined to provide an insight into the relationships hapu were forming with settlers through leasing reserves and the way that the Crown (and settlers) attempted constrain this expression of economic independence. Chapter 4 examines the creation and allocation of Native reserves and the relationship between reserve land and land re-purchased by Te Atiawa from the Crown in these blocks. The work of Lyndsay Head is drawn on to examine the implications of this shift in Crown policy towards the individualisation of title in terms of the Crown's assimilationist agenda and of the fundamentally different assumptions Te Atiawa and the Crown had about the pre-requisites for Maori modernity.

Chapter 5 investigates the origins and provisions of the New Zealand Native Reserves Act 1856 and the implications its definition of the legal status of Native reserves had for the immediate tasks of the commissioners appointed under the Act in Taranaki. The chapter discusses the way various local factors, Te Atiawa attitudes towards the Act, and their existing relationships with the individual commissioners assisted or constrained their pro-active approach to bringing reserves under their administration. In particular the impact of Te Atiawa-settler leasing on the commissioners' work and on Te Atiawa decisions to bring reserves under the Act are discussed. The secondary task of the commissioners - to approve Crown grants to Te Atiawa owners of reserves - is examined with regard to the affect of local pressures. Chapter 6 offers an analysis of the patterns of utilisation: occupying, leasing to settlers and selling, comparing reserves administered by the commissioners and those remaining in Te Atiawa control. Discussion then focuses on the ways in which Te Atiawa engaged with this market demand, the costs and benefits of doing so and the extent to which hapu were able to maximise the benefits of cash income and minimise the pitfalls of loss of control and ownership of reserves close to New Plymouth.

Chapter 7 offers an investigation into the social dimension of relationships between Te Atiawa landlords and settler lessees arguing that lease arrangements were more than simply economic compacts but provide insight into the inter-cultural relationships in the private sphere at New Plymouth from 1858 to 1863. These provided a counter-point to public tensions between settlers and Te Atiawa over communities living on Native reserves in and around the town of New Plymouth. The impact of war on public and private relationships between Maori and Pakeha suggests that this permanently reduced the boundaries of social trust between the two communities but was unable to completely sour private relationships between landlords and lessees. However the consequence for Te Atiawa was a permanent exclusion from living places within the township.

Chapter 2: New Zealand Company Tenths in Taranaki and the Beginnings of the Crown's Native Reserve Policy

Introduction

Native reserves for Maori were a feature of the British colonists' plans for Maori from the first purported acquisitions of land by the New Zealand Company and its ancillary companies from 1839. The Company's policy regarding the reserves it intended to create for Maori in the district they purchased and the nature and purpose of those reserves are a significant indication of the place they envisaged for Maori within a dominant Anglo-settler society. Behind the Company's vision for the Maori future were a number of cultural and legal assumptions that had their origins in the wider context of British debate during the 1820s and 1830s about colonisation and its impact on indigenous people. These ideas illuminate early Victorian attitudes towards the indigenous 'other' as well as British perceptions of themselves as coloniser and civiliser.

The cultural values and practices of Maori with regard to the incorporation of strangers into their communities and the rights and obligations of such arrangements provides a useful means of examining questions regarding the meanings hapu ascribed to their transactions with the Company and the wider question of how they visualised their future after the arrival of British settlers. Hapu values regarding land and visions of their future with Pakeha illuminate something of their understanding of the Company's Native reserves and their reluctance to utilise them. In the process of defining the role and status of Pakeha, these visions also shed light on the role hapu envisaged for themselves in an evolving Maori-Pakeha community.

A delineation of Company and hapu policies of settlement and the role that Native reserves were intended to play in the future of Maori form a fruitful context in which to examine the implementation of the Company's Native reserve policy at New Plymouth between 1841 and 1844. The number, size and location of the Company's reserves; the extent to which Te Atiawa were living on or otherwise utilising the reserves; and the extent to which the Company was able to fully implement its policy in the creation and allocation of the reserves in the face of pressure from settlers and hapu all provide an indication of the initial, and formative, experience of reserves by Te Atiawa hapu. This period also illuminates tensions between the

theory of reserves as a means of assimilating Maori; Maori resistance to the Company and Crown attempts to control where their communities lived; and settler desires to keep Maori at a distance from the British settlement. Attempts by Company and Crown officials to administer the reserves also demonstrate some of the confused and conflicting ideas about the nature and purpose of the reserves. Finally the abolition of the Company's reserves and the creation of the Native reserves in the FitzRoy block by the Crown in 1844 signalled the beginnings of a distinctive Crown policy of Native reserves which owed much to the Company's policy and experiment at New Plymouth.

The Origins of the New Zealand Company's Tenth's Reserves

The New Zealand Company

The first reserves provided for Maori in New Zealand were created by the New Zealand Land Company, better known as the New Zealand Company.¹⁴² The Company was formally constituted in London on 2 May 1839, but was the heir and successor to a number of similarly named ventures. In particular it owed its existence to the New Zealand Association formed two years before, and to an even earlier New Zealand Company which had sent an exploratory expedition to New Zealand in 1825.¹⁴³ These ventures were "a component of a much wider process, the expansion of European power into the global arena from the fifteenth century onwards."¹⁴⁴ However, they were also a response to conditions in England in the 1820s and early 1830s, a period in which highly mechanised industry caused widespread unemployment amongst skilled craftspeople. A rapidly increasing population, urban and rural poverty, disease and overcrowding were identified as social problems.¹⁴⁵ Many families saw emigration to one of the colonies of the British Empire as an answer to these conditions.¹⁴⁶ New Zealand came to be perceived as rich in resources, with abundant and readily available land and this made it attractive to promoters of emigration schemes, despite its remote location. Influential individuals began organising associations and companies to undertake commercial ventures involving trade with New Zealand and later these organisations began to advocate emigration and permanent British settlements in New Zealand.

¹⁴² A detailed account of the history of these companies can be found in Patricia Burns, *Fatal Success: A History of the New Zealand Company*, Heinemann Reed, Auckland, 1989.

¹⁴³ *Te Whanganui-a-Tara me ona Takiwa*, 2003, p 45.

¹⁴⁴ Peter Gibbons, 'Cultural Colonization and National Identity' NZJH, Vol. 36, No. 1, 2002, p 7.

¹⁴⁵ Burns, 1989, p 26.

The New Zealand Company was essentially a speculative venture: shares in the Company were sold and profits were to be paid out to shareholders. These profits were to come from selling New Zealand land in Britain to emigrants and prospective emigrants to the colony.¹⁴⁷ Its plans for New Zealand were modelled on the theory of systematic colonisation developed by colonial theorist Edward Gibbon Wakefield. Wakefield's attempt to define a successful and profitable means of colonising British territories contributed to widespread debate in Britain in the mid-1820s, in parliament and the media, over the emigration of the poor as a solution to unemployment and pauperism.¹⁴⁸ A defining aspect of Wakefield's theory, and one essential to the economic success of the Company's plan, was Wakefield's notion of 'sufficient price'.¹⁴⁹ Wakefield considered that the development of settlements depended upon both capital and labour and without a sufficient supply of labour capitalists would not immigrate to a colony. Therefore, the ratio of labourers to 'capitalists' needed to be regulated by setting the price of waste land sufficiently high to guard against the labouring classes immediately acquiring land and reducing the supply of labour. On the other hand, the price of land could not be so high that it discouraged labourers who hoped to eventually own land from emigrating altogether.¹⁵⁰ One of the consequences of this theory was that the Company considered it necessary to acquire large areas of New Zealand land very cheaply so that when the land was sold to settlers enough profit was generated to fund the further immigration and public amenities settlements required.¹⁵¹ It was in the hope of making such purchases that the *Tory* was dispatched to New Zealand on 12 May 1839, ten days after the Company was constituted.¹⁵²

The Company and the Crown, 1839 – 1840

The haste with which the Company dispatched the *Tory* and with which it concluded transactions with Maori for land in New Zealand were a consequence of the Company's attempt to secure land for settlement ahead of the imminent acquisition of sovereignty by the

¹⁴⁶ *Ibid*, p 65.

¹⁴⁷ The Company's prospectus was issued on 2 May 1839 and by July all available sections in a principal Company settlement of 99,999 acres had been pre-sold at £1 per acre. On 30 July a further 50,000 acres was advertised for sale at the same price (*Ibid*, pp 16-17).

¹⁴⁸ In particular Wakefield seems to have been responding to an 1823 select committee plan for colonisation and its 1826-27 evaluation of the scheme that had resulted in State-assisted Irish emigration to Canada (*Ibid*, pp 25 – 27).

¹⁴⁹ *Te Whanganui-a-Tara me ona Takiwa*, 2003, p 46.

¹⁵⁰ J S Marais, *The Colonisation of New Zealand*, Dawsons of Pall Mall, London, 1968, pp 4 – 5.

¹⁵¹ Burns, 1989, p 13.

British Government. At the time the Company was constituted in May 1839 it was known that the British Government was about to send Captain William Hobson to New Zealand to intervene in and acquire sovereignty over some or all of the country. It seemed almost certain that Hobson would enact the British colonial policy of not allowing British subjects to obtain title to land except by a grant from the Crown. The key figures behind the venture (by then formed as the New Zealand Colonisation Association) also knew, several months before the Company was constituted, that with the imposition of Crown pre-emption, all previous private transactions with Maori for land would be subject to a Government inquiry.¹⁵³ In response Edward Gibbon Wakefield urged the Association to act immediately to secure large areas of land in New Zealand and it was arranged that an expedition would set out on 25 April 1839. However this was delayed until 12 May 1839 and in the meantime the Company was constituted.¹⁵⁴

The Company had completed its transactions for land for British settlements with Maori in the central region of the country during September, October and November of 1839. Meanwhile Hobson had been dispatched to New Zealand reaching Sydney on 24 December 1839, where he was sworn in as Lieutenant Governor of any territory that Britain might acquire in New Zealand. He finally arrived in the Bay of Islands on 29 January 1840 with instructions from the Secretary of State Lord Normanby to "treat with Maori for their recognition of the Queen's sovereignty over the whole or any parts of New Zealand they were willing to cede."¹⁵⁵ Hobson immediately announced by proclamation to all British subjects that the Queen would only acknowledge as valid those titles to land that had been derived from or confirmed by a Crown grant.¹⁵⁶ Hobson was informed by Normanby that the Governor of New South Wales would appoint a commission to investigate all previous transactions between British subjects and Maori for land and confirm any which were found to be valid with a Crown grant.¹⁵⁷ The issue of sovereignty and the Crown's pre-emptive right were addressed in the following months by the signing of the Treaty of Waitangi at Waitangi and in various places around the North Island

¹⁵² Burns, 1989, p 94.

¹⁵³ *Te Whanganui-a-Tara me ona Takiwa*, 2003, p 48.

¹⁵⁴ *Ibid*, p 50.

¹⁵⁵ *Ibid*, p 51.

¹⁵⁶ *Ibid*.

¹⁵⁷ *Ibid*.

and South Islands. Before this was completed Hobson officially proclaimed the whole of New Zealand to be British on 21 May 1840. One proclamation covered the North Island, another covered the South Island and Stewart Island, and both were published in the *London Gazette* on 2 October 1840.¹⁵⁸

The New Zealand Company's Colonising Enterprise

The nature, purpose, extent and location of the Company's reserves for Maori gave a strong indication of where the Company envisaged Maori would be positioned in relation to a dominant British settler society. It is necessary to understand something of the nature of the Company's settlements in New Zealand before examining the way in which reserves for Maori would be located within and in relation to those settlements. At the centre of the Company's colonising enterprise was the establishment of townships where British population and culture could be concentrated. Therefore, its activities focused on establishing townships at Port Nicholson, Wanganui and Nelson, with off shoots of the Company establishing settlements at New Plymouth, Otago and Canterbury.¹⁵⁹ The British population rose rapidly; Belich noted that within two years of their establishment each of these towns had between 1000 and 4000 settlers.¹⁶⁰ By 1861, the Pakeha population of the colony had reached 100,000 heavily outnumbering the estimated 60,000 Maori.¹⁶¹ In containing the British population townships effectively bounded the limitless (and threatening) 'space' of wilderness and converted it into a 'place'.¹⁶² Maps both recorded and expressed a desire for boundaries between the ordered, 'civilized' world of the settler township and the 'wild lands' that surrounded it, while the naming of features depicted on maps divided and claimed cultural space and began the transformation of the unknown into the familiar.¹⁶³ By surveying, mapping and naming, the Company and its British settlers attempted to create, at least conceptually if not in reality, "an improved version

¹⁵⁸ Ibid, p 82, citing proclamations in BPP, Vol. 3, pp 14 0- 141.

¹⁵⁹ Ibid, p 46.

¹⁶⁰ Belich, 1996, p 188.

¹⁶¹ However Belich noted that three-quarters of Pakeha and one-sixth of Maori were in Auckland, Wellington and the South Island. Outside these centres "50, 000 Maori interacted with 25, 000 Pakeha" and here "Maori had the power to impose their definition of consent, or at least to force Pakeha to negotiate with it" (Belich, 1996, p 228).

¹⁶² Byrnes, 'No Holidays are kept in the Bush', 1993, p 15.

¹⁶³ Place names performed several other functions. They "were deliberate and provocative statements of power" but they also "enabled settlers to domesticate the landscape by giving features in their new 'home' the names of familiar and loved places they left behind." (Byrnes, *Boundary Markers*, 2001, p 80). Names, particularly in the Company's settlements, commemorated founding figures and encoded the story of British settlement permanently (Ibid, p 83).

of whatever part of the contemporary metropolitan society they had recently quit." Here a transplanted British population would live and the township would become the location of all that was 'civilized'.¹⁶⁴ Towns also concentrated the British population, and it was hoped that daily interaction with one another would prevent settlers from integrating to the indigenous community and slipping down the scale of civilisation.¹⁶⁵

The mechanisms by which the Company created townships as places within the landscape were also a means by which it attempted to "legitimise the ownership of that place."¹⁶⁶ The Company divided the land into sections and proposed that settlers purchase land in 'allotments' containing one town acre and one hundred acres in the surrounding country.¹⁶⁷ The establishment of settler homes and farms on these sections was the logical conclusion of the Company's claims to ownership of land in New Zealand. This grid of sections laid over the landscape was the most visible manifestation of the way in which the Company's settlements were to be ordered according to British cultural and legal notions. In particular, it was surveyed into regular sized sections with legally recognised boundaries. This enabled sections to be depicted on a cadastral map and later on grants and titles, thus recording the extent and ownership of parcels of land.¹⁶⁸ This grid effectively enshrined Western notions of individualism, private property and the division between public and private spaces.

The Principles of the Company's Tenths Reserve Policy

The details of the New Zealand Company's reserve policy reflected its plan for the reserves to be the principal means by which Maori would be relocated into the 'civilised' sphere of British townships. The Company's directors instructed William Wakefield, the brother of Edward Gibbon Wakefield and the Company's principal agent in New Zealand, to

¹⁶⁴ Gibbons, 2002, pp 7 – 8.

¹⁶⁵ Patrick Maloney, 'Savagery and Civilization: Early Victorian Notions' NZJH, Vol. 35, No. 2, 2001, p 171.

¹⁶⁶ Brynes, 'Affixing Names to Places', 1998, p 22.

¹⁶⁷ Edward Jerningham Wakefield, *Adventure in New Zealand from 1839 to 1844 with some account of the beginning of the British Colonisation of the Islands*, Whitcombe and Tombs, Christchurch, 1908, pp 29 – 30.

¹⁶⁸ Brynes, *Boundary Markers*, 2001, p 56.

take care to mention in every *booka-booka*, or contract for land, that a proportion of the territory ceded, equal to one-tenths of the whole, will be reserved by the Company, and held in trust by them for the future benefit of the chief families of the tribe.¹⁶⁹

Essentially this required the Company to reserve urban and rural sections in the proportion of one in ten for Maori. That is, for every ten sections selected in each of these districts by settlers the Company would select one section for Maori. As a consequence of this policy the Company's reserves for Maori came to be known as 'tenths reserves.' The public selection of sections in Company settlements was determined by lottery in London, each purchaser drawing a number that established in what order individuals had the right to select sections when they arrived in the colony. During this London lottery Company officials drew on behalf of Maori for their 'tenths' reserves. Jerningham Wakefield explained that by this method "the Native reserves were sure to be well scattered among the lands occupied and owned by white men, and of fair average value."¹⁷⁰ The Company's policy was vague regarding the tenure of the tenths reserved for Maori but, as its instructions to Wakefield suggest, it initially assumed it would hold the land in trust for Maori chiefs.¹⁷¹

The Company assumed that it could allocate Maori a place to live and decide who would receive reserves. As the Company's instructions to Wakefield suggest, it initially planned only to allocate reserves to chiefs and their families. This appears to have been an attempt to retain what the Company perceived as the 'classes' of Maori society. Wakefield was reminded by the Company that by

reserving for the rangatiras [sic] intermixed portions of lands on which settlements shall be formed ... they will thus possess the means, and an essential means, of preserving, in the midst of a civilized community, the same degree of relative consideration and superiority as they now enjoy in their own tribe.¹⁷²

No provision was made for Maori not of chiefly rank but it was assumed that they would earn a living from being employed by their chiefs or by the settlers, and would eventually be able to

¹⁶⁹ Instructions to Colonel Wakefield, Principal Agent of the Company [from the Directors of the Company], May 1839, BPP, Vol. 2, pp 578.

¹⁷⁰ Wakefield, 1908, p 30.

¹⁷¹ *Te Whanganui-a-Tara me ona Takiwa*, 2003, p 47.

¹⁷² Instructions to Colonel Wakefield, Principal Agent of the Company [from the Directors of the Company], May 1839, BPP, Vol. 2, pp 578-579.

buy land.¹⁷³ In this regard the Company's policy for Maori conformed to its general policies regarding social class and land ownership. The initial development of the colony was seen to rest on keeping the price of land above the level that a labourer could immediately afford. It was hoped that this would limit the amount of land the majority of settlers could buy and ensure a large pool of affordable labour would be available to a land-owning gentry to enable them to develop their land during the first decades of the colony's development.

Tenths Reserves and Cultivations

The Company's tenths reserve policy became combined with and confused by clauses in the Company's deeds which promised that existing pa, cultivations and burial places would be set apart for those who signed the deeds. Ideologically these promises threatened to undercut the Company's attempts to relocate Maori onto the reserves (which was a necessary step if Maori were to live intermixed with the settlers and learn 'civilised' habits). At least one Company official voiced opinions about the negative effect that retaining pa would have on the attempt to 'civilise' and assimilate Maori. He declared that

nothing short of breaking up their paha and locating their inhabitants in decent huts, in small villages on their own reserves, and by degrees associating them with the white population, will render them generally fit companions for any, even the lowest of the settlers.¹⁷⁴

The question soon arose as to whether pa, cultivations and burial places were to be reserved over and above the tenths reserves or whether these places should simply be included in the reserves as a fulfilment of those promises. In reality where pa, cultivations and burial places were not included by chance in the tenths reserves the Company was often forced to designate them as part of the reserves because Maori refused to abandon their pa and associated property.¹⁷⁵ At Wellington Maori firmly resisted attempts to move them out of their favourite pa: many of which were located on flat lands on or near the coast or near freshwater food resources – also desirable places for planned European settlement. This practice resulted in a merging of the Company's tenths reserves, pa, cultivations and burial places, and it became difficult for officials to separate the two categories of land.

¹⁷³ *Te Whanganui-a-Tara me ona Takiwa*, 2003, p 47.

¹⁷⁴ Halswell to the Secretary of the Company, 11 November 1841, BPP, Vol. 2, p 671.

The Ideologies Informing the Company's Reserve Policy

The Company's proposal to use reserves for Maori in its settlements as a means of containing, controlling, 'civilising' and eventually assimilating Maori into the British population was based on a set of cultural assumptions. Beliefs about the necessity and desirability of 'civilising' indigenous people in the lands that Britain colonised were widely held in a number of circles within British society by the 1830s. These beliefs were underpinned by a widespread assumption of British cultural superiority. As Burns pointed out the British Empire's power-base "combined a victorious army and navy with the most developed technology in Europe, therefore it was not unnatural that some should think in terms of Britain guiding and educating vast areas of the earth."¹⁷⁶ The conversion of indigenous peoples to Christianity was seen as a necessary prerequisite for their 'civilisation' and the certainty with which Evangelical missionaries set out to convert indigenous peoples in British colonies both reinforced and expressed the economic and political power of the Empire.¹⁷⁷

The assumption of cultural superiority which was a component of Imperialism was underpinned by early Victorian notions of the 'civilised' and the 'savage' which derived from a stadial view of human social development. This theory proposed that "Humanity was ... a single family, composed of numerous peoples or nations at different stages of development."¹⁷⁸ However amongst all these various peoples "human nature was supposed ... to be everywhere the same - broadly amenable to reason and capable of progress through the assimilation of higher ideas and institutions together with the reform or abandonment of corrupt and inhuman practices."¹⁷⁹ As a consequence, human societies could be visualised positioned on a scale or ladder from 'barbaric' at the bottom of the scale to 'civilised' at the top. Societies were considered capable of moving up (and down) this ladder as they developed (or regressed).

This view of social development also informed British actions as colonisers. They implied that it was the responsibility of more advanced nations "to help raise higher up the ladder of civility

¹⁷⁵ Ward, 1997, p 91.

¹⁷⁶ Burns, 1989, p 68.

¹⁷⁷ Andrew Porter, 'Empires of the Mind', in P J Marshall (ed.), *Cambridge Illustrated History of the British Empire*, Cambridge University Press, Cambridge (UK), 1996, p 203 - 204.

¹⁷⁸ Maloney, 2001, p 153.

¹⁷⁹ Porter, 1996, p 217.

those savage nations displaying progressive tendencies."¹⁸⁰ Maori fitted this category having been identified as showing encouraging signs of being able to be 'improved' and 'civilised'.¹⁸¹ In particular, they had recently adopted Christianity and had demonstrated a remarkable affinity for commerce.¹⁸²

Also underpinning the Company's proposed reserve policy was a desire that Maori should benefit from colonisation, or at least they should receive some advantages to off-set the negative effects colonisation had been shown to have on indigenous peoples in other colonies. In this the Company's policy was heavily influenced by the humanitarian ideals of the 1820s and 1830s. These concerns were part of a wider context of reform movements that aimed to improve social and economic conditions in Britain. The success of the Abolition of the Slave Trade Society (founded earlier in 1787) in lobbying for the withdrawal of British slave trading in 1807 had also turned people's attention to the suffering of slaves in the colonies of the Empire. This soon led to a general concern for the effects of colonisation on indigenous peoples and the formation of missionary societies and the Society for the Protection of Aborigines.¹⁸³

The ideas of the Aborigines Protection Society established in 1837 had a significant influence on the Company's reserve policy.¹⁸⁴ In particular the Company's policy of scattering reserves through the settler townships it created owed much to the ideas of Reverend Montague Hawtrey, a prominent member of the Aborigines Protection Society. Hawtrey deplored the way in which the large blocks of land reserved for indigenous peoples in the Australian and North American colonies, at a distance from European settlement, development and 'civilisation', had simply preserved these people in their 'unimproved' state. Instead, Hawtrey proposed that reserves be made for Maori in smaller blocks scattered amongst the settlers' holdings, "where

¹⁸⁰ Maloney, 2001, p 153.

¹⁸¹ Maloney, 2001, pp 153, 159 – 163.

¹⁸² *Te Whanganui-a-Tara me ona Takiwa*, 2003, p 47.

¹⁸³ Burns, 1989, p 27.

¹⁸⁴ The Society aimed to 'watch over and protect the interests of the Natives' and initially considered that colonisation and the welfare of indigenous people could be reconciled. Between 1837 and 1842 they supported the Company's Native reserve scheme and sought to provide additional protection for Maori through British legislation. However by 1842 they had become disillusioned by the attitude of the Company and its settlers and "joined the ranks of anti-seller, humanitarian opinion, although still remaining pro-imperial" (Adams, 1977, p 93 – 94).

they would rapidly increase in value and provide an income by which Maori might enter 'the same scale of civilisation and social order as their European visitants.'¹⁸⁵

The Company held that "the wilderness land purchased by the Company from the natives was valueless to them, and acquired value entirely from the capital extended in emigration and settlement."¹⁸⁶ Therefore, they claimed the reserves would become increasingly valuable "by the improvement and cultivation of other lands with which they should be intermingled."¹⁸⁷ The Company's assumption that uncultivated land was valueless was a pervasive concept in early Victorian legal thought. The idea can be traced back to Emerich de Vattel's *Droit des Gens* published in London as *The Law of Nations* in 1760 (and revised and reprinted in 1834) which argued that the cultivation of the earth was an obligation imposed on mankind by nature, and that therefore those who did not cultivate were 'savages'. Vattel reasoned that people had no rights over land that they did not cultivate, and uncultivated land could legitimately be taken by Europeans (who would cultivate it). His writing also gave validity to colonial reserves and reservations policies by arguing that those who confined nomads within narrower limits were obeying the 'views of nature'. These ideas were taken up and elaborated by John Locke and later by Thomas Arnold. These theories were given added weight by early Victorian Christian interpretations of the book of Genesis, which considered those who failed to cultivate the earth disobeyed the will of God.¹⁸⁸

Company Tenths Reserve Policy as an Indicator of Visions of the Maori Future ***The Company's Perspective***

The Company's reserves were effectively a means by which Maori could be removed from 'wilderness' and enclosed in a space where 'civilisation' was concentrated. Heavily influenced by Hawtrey and the Society for the Protection of Aborigines the company rejected reservations at a distance from British towns where "the defective habits and inclinations of the savage" were preserved and "his existence as an isolated and inferior being" was perpetuated and encouraged.¹⁸⁹ Instead the Company saw itself as pioneering a system of reserves scattered

¹⁸⁵ Sinclair, 1946, pp 40 – 41.

¹⁸⁶ Instructions from the Directors of the Company to Halswell, 10 October 1840, BPP, Vol. 2, p 669.

¹⁸⁷ Wakefield, 1908, p 29.

¹⁸⁸ Maloney, 2001, pp 154 – 156.

¹⁸⁹ Wakefield, 1908, p 30.

amongst the homes and lands of British settlers. This was to be the first "deliberate plan" and "systematic attempt" to civilise and "to improve a savage people through the medium of colonisation."¹⁹⁰ Because such a method had not been tried elsewhere the Company confessed its reserves scheme to be "experimental."¹⁹¹

The relocation of Maori communities onto tenths reserves was intended to perform several important political functions. It would bring Maori into townships where British law was in operation and being enforced. Maori behaviour in general could then be controlled and any threat to the British population could be quickly neutralised. The way in which the reserves positioned Maori in relation to the townships laid out for British settlers gave a clear indication of the sort of future that was being envisaged for Maori. It was hoped that by dispersing Maori amongst the settlers they would have settlers as "constant examples before their eyes, and consequent emulation to attain the same results."¹⁹² It was considered particularly important that Maori adopt methods of agriculture which would "enable them to produce more than they consumed, without taking all their time; so that they might set aside some hours for the cultivation of their intellect and their religious education."¹⁹³ The Company considered that this process "would naturally lead the inferior race, by an easy assent, to a capacity for acquiring the knowledge, habits, desires, and comforts, of their civilised neighbours."¹⁹⁴

Te Atiawa Perspectives

Extrapolating the Company's vision for the future of Maori in its settlements from the statements of various Company officials is a relatively straightforward matter. However, delineating the vision of the Ngamotu hapu for their own future in Taranaki alongside British settlers is more challenging. Yet this is a necessary context which both offers a counterpoint to the Company, and later Crown, view of the function of reserves and enables us to get at the meanings which hapu ascribed to Native reserves. As outlined in the first chapter of this thesis, there is now a substantial body of research illuminating the way in which Maori world-views shaped their responses to the colonial encounter. I have drawn upon this literature to argue

¹⁹⁰ Instructions from the Directors of the Company to Halswell, 10 October 1840, BPP, Vol. 2, p 668.

¹⁹¹ Ibid.

¹⁹² Wakefield, 1908, p 31.

¹⁹³ Ibid.

¹⁹⁴ Ibid.

that when Ngamotu hapu entered transactions with the Company in 1839 and 1840 they also made assumptions that they would absorb such Pakeha as might arrive. As large numbers of British settlers arrived in the early 1840s these assumptions rapidly proved to be false, necessitating a change of approach from incorporating Pakeha into Maori settlements to accommodating them alongside Maori communities.

The relationships of people, affiliating to whanau, hapu and iwi, to one another and to their particular land were, and remain, intertwined in Maori thought. As a consequence, Maori saw themselves as users rather than owners of the land. The right to use particular areas of land, sea and waterway and their resources always depended upon an individual's membership of and duty to an associated community living on that land.¹⁹⁵ This was in complete contrast to "English law, where individuals held defined parcels of land without concomitant duties to an associated community, and where land might be given over to strangers without the community's permission."¹⁹⁶

Land and resource use rights, and the relationships in which they were embedded were 'written' on the land itself in an 'oral map'.¹⁹⁷ Natural and man-made features and their names were markers and mnemonics that acted as prompts enabling the knowledgeable viewer to access information about whanau, hapu and iwi boundaries; land and resource use; and tapu places associated with birth, death, and tupuna.¹⁹⁸ Thus "their historical stories are anchored spatially" and could be 'read' to emphasise hapu identity, whakapapa, mana and rangatiratanga.¹⁹⁹ Relationships and land use became inseparable, the landscape becoming a 'kin-scape' ordered by and expressing social, economic, cultural and spiritual relationships.²⁰⁰

¹⁹⁵ *The Muriwhenua Land Report*, 1997, p 23.

¹⁹⁶ *The Whanganui River Report*, 1999, p 110.

¹⁹⁷ As Byrnes has pointed out surveying, mapping and naming were a "a denial – a description – of the existing indigenous landscape which was already navigated and named" (Byrnes, 'Affixing Names to Places', 1998, p 22).

¹⁹⁸ Te Maire Tau has discussed Ngai Tahu landscapes and argued that whakapapa demonstrates that Maori widely regarded geographical features as not simply places where events involving tupuna took place but as tupuna themselves. (Tau, 'Ngai Tahu and the Canterbury Landscape', 2000, pp 41 – 59).

¹⁹⁹ Bender, 1999, p 41. I have also drawn on Byrnes, *Boundary Markers*, 2001, p 92.

²⁰⁰ This is a term employed by Barbara Bender to describe the kinds of alternative (often indigenous) maps which are subsumed by authoritative maps (Bender, 1999, p 36).

As a consequence of these underlying values "Maori as users of land thought in terms of relationships and control, not in terms of ownership."²⁰¹ Connection to communities (and hence to land) came through descent or through incorporation.²⁰² The incorporation of outsiders into communities was a common practice throughout the Pacific and provided a crucial precedent that shaped Ngamotu hapu behaviour when they encountered whalers, traders and the Company and its settlers in the 1830s and 1840s. As a practice it allowed the outsiders to gain access to land and other resources in exchange for contributing to the community and abiding by its norms. In return new members with useful skills strengthened the hapu.²⁰³ Alternatively an outside group might be permitted to live on land within a community's rohe. While the group would maintain its independence, it would be obliged to acknowledge the source of its land by offering appropriate tributes to its host.²⁰⁴

The expectation that Pakeha newcomers would be incorporated into Maori communities was particularly strong in places where iwi and hapu already had considerable contact with Pakeha whalers, traders and missionaries. In the case of Te Atiawa hapu at Ngamotu near New Plymouth and at Queen Charlotte Sound Pakeha had already been incorporated into their communities and they had benefited from their presence. Dicky Barrett and his whaling crew had already become part of the Maori community at Ngamotu. In exchange for their skills as traders and whalers, they had been given use rights to portions of tribal land and resources and provided with wives. They were also expected to follow iwi customs and to defend the community. As a result these hapu had already experienced the economic and technological advantages the newcomers would bring and were acquiring and trading in western goods. These goods had become an expression of mana in their community. They had also seen the defensive advantage of the newcomers.²⁰⁵ These experiences and expectations would have played a significant role in how Ngamotu hapu in Taranaki viewed the arrival of the Company's representatives and their 'deed of purchase'. In 1839, William Wakefield of the New Zealand Company employed Barrett as an interpreter and pilot. When Barrett arrived on board the *Tory*

²⁰¹ *The Whanganui River Report*, 1999, p 107.

²⁰² *The Muriwhenua Land Report*, 1997, p 24.

²⁰³ *Ibid.*

²⁰⁴ *Ibid.*, p 25.

²⁰⁵ Angela Caughey, *The Interpreter: The Biography of Richard 'Dicky' Barrett*, David Bateman, Auckland, 1998, pp 41 – 52.

with his Ngamotu wife at Ngamotu in November 1839 bringing with him a group of Pakeha and explaining the intention of these men to 'purchase' the land it is almost certain that Ngamotu simply understood that they were agreeing to Barrett bringing more of his people to live amongst them.²⁰⁶

Nothing in their previous experience with traders, whalers and missionaries prepared Ngamotu hapu for the numbers of Pakeha that began to flood into their rohe from 1841 onwards. They foresaw neither the sheer numbers who would arrive nor the fact that they would not be the small groups of single men they had previously been able to marry into their communities. Their expectation that they would control where the newcomers would live and how they would act were also quickly disappointed. All of this is quite evident from the comments of Te Wharepouri, a Ngamotu hapu chief who saw the settlers arriving at Port Nicholson and expressed his surprise and dismay to William Wakefield saying:

I thought you would have nine or 10 [Pakeha]...I thought that I could get one placed at each pa, as a white man to barter with the people and keep us well supplied with arms and clothing; and that I should be able to keep these white men under my hand and regulate their trade myself. But I see that each ship holds 200, and I believe, now, that you have more coming. They are all well armed; and they are strong of heart, for they have begun to build their houses without talking. They will be too strong for us; my heart is dark. Remain here with your people; I will go with mine to Taranaki.²⁰⁷

However, the fundamental desire for a mutually beneficial relationship with the newcomers expressed in the words of Te Wharepouri, and the values on which this desire was based, remained the rationale for Ngamotu hapu in dealing with settlers at New Plymouth through agreements and purchases in the 1840 and 1850s. The values, practices and desires outlined above strongly suggest that Ngamotu hapu regarded subsequent transactions with the Company, Crown and settlers as agreements to an ongoing relationship in which the land was not alienated from Ngamotu control but allocated to newcomers. In this way the community asserted its mana over the land, and strengthened their title to it.²⁰⁸ Maori notions of

²⁰⁶ *The Taranaki Report*, 1996, p 35.

²⁰⁷ Wakefield, 1908, pp 202 – 203.

²⁰⁸ Patricia E Berwick, 'Land and Land Ownership in the Wellington Tenth and Taranaki: The Gap between Tangata Whenua and Crown Concepts in the 1840s', prepared for the Wellington Tenth Trust for presentation to the Waitangi Tribunal, Wellington, 1996, p 26.

host/guest relationship ordered the relationship between Ngamotu hapu and settlers at New Plymouth: the hosts having a responsibility to provide land and resources to the guests in exchange for the guests conforming to the tikanga of the hosts, and bringing the benefits of technology, trade, defence and literacy. This notion of relationship suggests that the hapu expected the transaction to be the beginning not the end of an association akin to a partnership."²⁰⁹ It also followed from these basic assumptions that Ngamotu hapu regarded themselves as tangata whenua and the newcomers as manuhiri. Therefore it would have seemed only fitting that they, as tangata whenua would have control over manuhiri, even to the extent of presuming "to say where the newcomers could site their townships and build their houses."²¹⁰ And of course as tangata whenua they expected to be able to choose where they themselves would live. With such different expectations about how Maori and Pakeha would share the land and its resources and on what basis, it is unsurprising there were misunderstandings and conflict between Te Atiawa, surveyors and settlers in Taranaki.

²⁰⁹ *The Whanganui River Report*, 1999, p 109.

²¹⁰ *Ibid*, p 108.

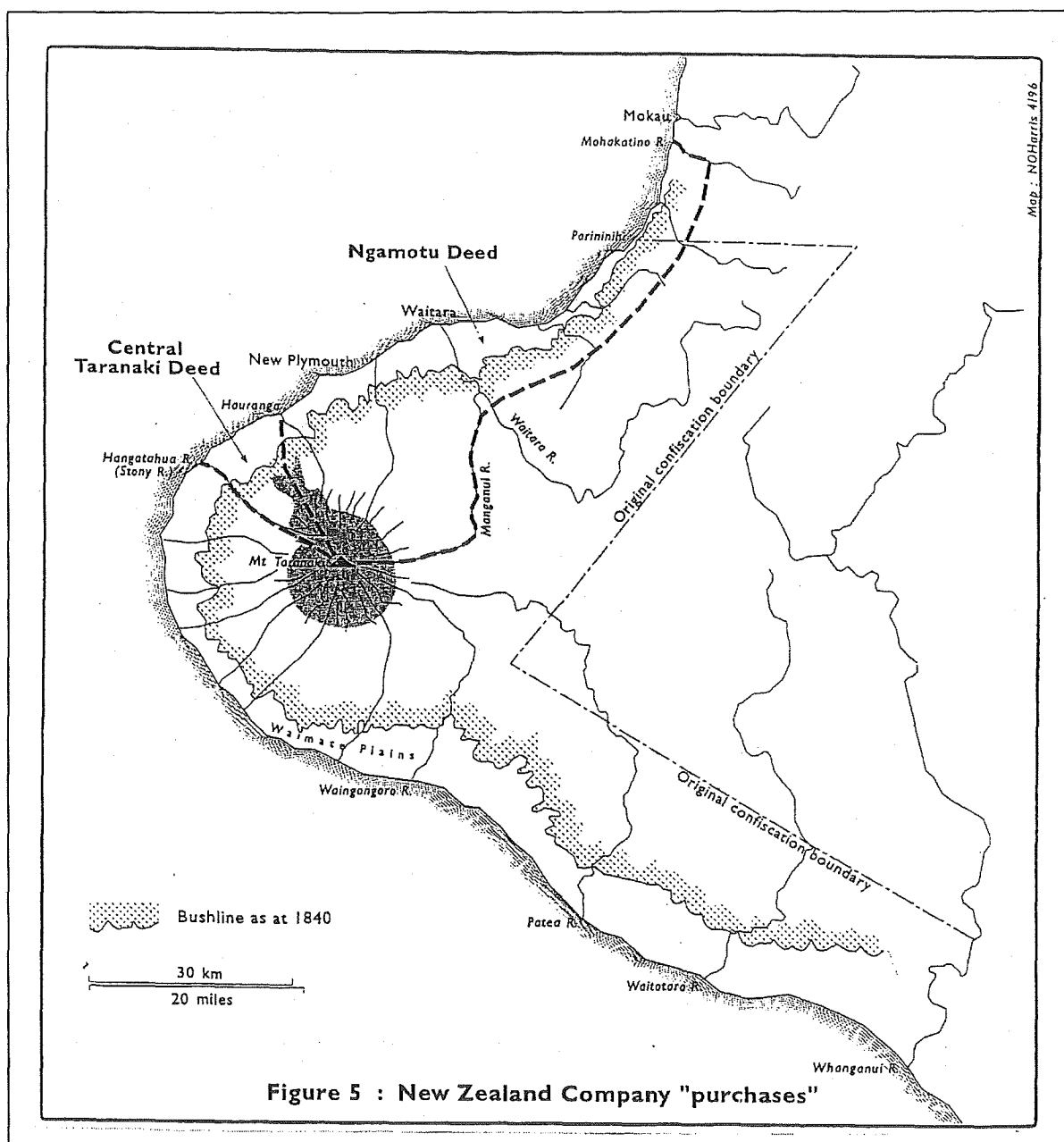


Figure 2: Map showing the approximate boundaries of the New Zealand Company's transactions in Taranaki, 1839 – 1840 (source: *The Taranaki Report*, 1996, fig. 5).

Implementation of the Company's Tenths Reserves at New Plymouth

The Provision for Tenths Reserves in the Company's Deeds, 1839 - 1840

The Company's ability to create tenths reserves in Taranaki was predicated upon its purported acquisition, exclusive ownership and control of land in the district. Central to the Company's claim were written deeds signed by some members of Te Atiawa and other iwi living at Ngamotu near New Plymouth and in the Cook Strait region in 1839 and 1840.²¹¹ In October 1839, William Wakefield claimed he had acquired some 20 million acres from certain Taranaki and other Maori in Wellington. The area extended from Aotea Harbour near Waikato in the North and the Hurunui River in the South Island.²¹² As this included the whole of Taranaki, Wakefield attempted to complete the acquisition for the Company with two further deeds signed at New Plymouth by certain Maori living there. These were given effect on 15 February 1840.²¹³ The land of concern in this thesis was contained in one of these deeds, the 'Nga Motu deed' that purported to convey to the Company all the coastal land from Hauranga south of Paritutu to the Mohakatino River, just south of Mokau in the north.²¹⁴ The approximate boundaries of the Ngamotu deed are shown in Figure 2.

A clause in the Ngamotu deed promised to reserve for the Maori vendors one-tenth of all the land purchased: "A portion equal to one tenth of the land ceded by them will be reserved by ... the New Zealand Company ... and held in trust by them for the future benefit of the said chiefs their families, tribes and successors forever."²¹⁵ It is unlikely that Barrett was able to clearly convey the contents of this clause in the deed to Ngamotu hapu in Maori. Barrett was a relatively uneducated man with functional, but by no means expert Maori language skills, therefore he probably struggled both to understand the Company's scheme fully and to

²¹¹ Deeds – No. 419, Taranaki Block, or Third Purchase of New Zealand Land Company, 8 November 1839 and Deeds – No. 420, Ngamotu Block: Purchase of New Zealand Land Company, 15 February 1840 both in H H Turton, *Maori Deeds of Old Private Land Purchases in New Zealand, 1815 – 1840*, microfiche, n/d, ATL, Wellington.

²¹² *The Taranaki Report*, 1996, pp 22 – 23.

²¹³ *Ibid*, p 23.

²¹⁴ *Ibid*, Fig. 5, p 24. The second deed covered a wedge shaped portion of central Taranaki land between Hauranga and the Hangatahua River (Stony River). In 1844 the Company abandoned all claims to land covered by the Central Taranaki deed (p 27).

²¹⁵ Deeds – No. 420, Ngamotu block, 15 February 1840, *Turton's Maori Deeds of Old Private Land Purchases*. There was also an oral agreement between Colonel Wakefield and Te Atiawa at Queen Charlotte Sound, Wakefield recorded in his journal for 2 November 1839 that Te Atiawa agreed to the transaction with the Company for their land on the condition that Barrett and Love and their families also had land reserved for them, as they had "long been considered as belonging to the tribe" (Wells, 1878, p 20).

translate it into an oral explanation in Maori.²¹⁶ The inadequacy of his explanation of the reserves the Company would make for Maori was exposed at Commissioner Spain's inquiry into the Company's Port Nicholson transactions in 1843. Barrett stated that he translated the clause in the Wellington deed that covered the reserves as: "When people arrive from England it will show you your part, the whole of you."²¹⁷ He was afterwards asked by Spain whether he told "the Natives who signed the deed that one-tenth of the land described should be reserved for the use of themselves and their families, or simply that the Europeans should have one portion of the land, and the Natives the other portion?" He answered "No; I did not tell them that they would get one-tenth; I said they were to get a certain portion of land, without describing what that portion was."²¹⁸ Even Commissioner Spain admitted that Barrett's translation was a likely cause for Te Atiawa confusion over the nature and extent of the reserves.²¹⁹ This gap between Company and Te Atiawa understanding about the nature of the tenths reserves became increasingly evident during the establishment of the New Plymouth settlement.

The Laying out of New Zealand Company's Settlement at New Plymouth

By 26 August 1840, the Plymouth Company of Devon, which intended to send immigrants to New Zealand, had purchased 60,000 acres of North Taranaki land from the New Zealand Company.²²⁰ The Plymouth Company's surveyor, Frederick Alonzo Carrington, arrived at New Plymouth with two assistants, two labourers and Barrett and his Te Atiawa wife and family in January 1841.²²¹ After admiring the fertile land around the mouth of the Waitara River, Carrington regretfully decided against it as the site for the settlement because of the dangerous bar at the mouth of the river. Instead, he decided the best site would be between

²¹⁶ Jerningham Wakefield recorded that although Barrett "was an excellent whaler" he was "no political economist" and "did not see the whole bearing of our theory of the system of Native reserves; but he agreed that it was a noble and just provision against the chance of want coming upon them when they should have expended the original payment" (Wakefield, 1908, p 31).

²¹⁷ 'Report by Commissioner of Land Claims on Titles to Land in New Zealand, No. 1 - Port Nicholson', 31 March 1845, BPP Vol. 5, p 16.

²¹⁸ *Ibid.*

²¹⁹ *Ibid.*

²²⁰ The short-lived Plymouth Company was formed in Plymouth, England by Thomas Woolcombe, friend and solicitor of the New Zealand Company director Sir William Molesworth on 25 January 1840. Its first immigrants arrived at New Plymouth on the *William Bryan* on 30 March 1841. After financial difficulties the Company merged with the New Zealand Company in May 1841 (Wells, 1878, pp 48 and 59 and Raewyn Dalziel, 'Popular Protest in Early New Plymouth: Why did it Occur?', NZJH, Vol. 20, No. 1, 1986, p 5).

²²¹ Evidence of Carrington, 6 June 1844, BPP, Vol. 2, II. 1158 - 1172, pp 60 - 61.

the Huatoki and Te Henui rivers. He returned to Taranaki the following month and began to survey the 550 acre site of New Plymouth into town sections. Suburban and rural sections stretching along the coast to beyond Waitara were also proposed. In all the plans covered about 68,500 acres of cleared coastal land intended for the settlers who had purchased Taranaki land in England.²²² Individual settlers were permitted to purchase no more than eight 'allotments', each allotment consisting of one town section (of a quarter of an acre) and one rural section (of 50 acres).²²³ Carrington's plan of the township was a near perfect expression of the ideal English town, with a green belt separating town sections from the surrounding suburban and rural allotments. But the mismatch between these conceptions and the reality of the New Plymouth township remained very great, so much so that the New Plymouth that had been envisaged became a 'virtual' town.²²⁴ As late as the 1880s New Plymouth remained "little more than the straggling village capital of a coastal strip of small farms that it had been since its founding."²²⁵

Carrington faced persistent opposition from Te Atiawa as he surveyed the land the Plymouth Company claimed to have purchased. This increased as Te Atiawa steadily returned to their land in Taranaki from the Wellington Coast and Cook Strait region. By September 1841, Carrington estimated that the number of Maori in the district had increased from about 80 when he arrived in January to around 300.²²⁶ It became clear that those who had signed the New Zealand Company's deeds did not understand them to have conveyed their land in Taranaki to the Company. Many others returning from the Wellington and Cook Strait region had not been party to any transactions at all and objected to their lands being trespassed upon

²²² *The Taranaki Report*, 1996, p 26.

²²³ 'The Prospectus of the New Plymouth Company' reprinted in Wells, 1878, pp 51 – 52. The prospectus does not give the size of rural sections but in 1844 Carrington stated that 9350 acres of rural land in 187 rural sections had been sold, from this a figure of 50 acres for rural sections was calculated (Evidence of Carrington, 11 June 1844, BPP Vol. 2, I. 1505, p 78).

²²⁴ "In 1849, the town consisted of a few small stores on either side of the Huatoki Bridge, a few cottages at Devonport, as St. Aubyn Street was then called, and a few around the [St Mary's] church." (Wells, 1878, p 147).

²²⁵ Rollo Arnold, *New Zealand's Burning: The Settlers' World in the Mid-1880s*, Victoria University Press, Wellington, 1994, p 183.

²²⁶ Frederick Carrington to Secretary of New Zealand Company (Plymouth and London), 22 September 1841 in Carrington, Frederic Alonzo, Copy of the Journal also Official and other Letters of Fred. A. Carrington, Principal Surveyor, New Plymouth. Typescript, Macmillan Brown Library, University of Canterbury, Christchurch, 1841, p 11.

and claimed by the Plymouth Company.²²⁷ The Waitangi Tribunal concluded that the New Zealand Company's transaction at Ngamoutu "was lacking in reality" and that "it was impossible for a small group then living at one extremity of the block to have had sufficient right, title, and interest to convey the vast territory concerned." In any case Maori did not understand the transaction as a sale.²²⁸

Carrington tried to appease the anger of a group of Te Atiawa men from the Huatoki (who were "joined by some Natives from the interior") that he had employed in March 1841 to assist him in the survey of the banks of the Huatoki Stream. With the aid of an interpreter Carrington attempted to explain the provision of reserves and how valuable they would become to Te Atiawa.²²⁹ In 1844, he described the incident in more detail, saying that he "marked it upon a small piece of ground about the size of this table", taking a stick and making "a number of lines, and put so many for the Europeans and so many for the Natives, and then I got the interpreter [Joseph Davis] to explain to them the great value which the Native land would be". However, he admitted that he did not explain "what size the Native reserves were."²³⁰ Unease about the Company's claim to land was set to intensify as British settlers began arriving at New Plymouth in 30 March 1841, reaching a population of over 1000 by 1843.²³¹

²²⁷ Carrington, Copy of the Journal also Official and other Letters, 1841, for example see entries for 13 April 1841, 27 July 1843, 18 & 22 August 1843. Also Wicksteed to Colonel Wakefield, 25 July 1842 and 31 July 1843 in Wells, 1878, pp 86 and 97 respectively.

²²⁸ *The Taranaki Report*, 1996, pp 34 – 35.

²²⁹ Carrington, Copy of the Journal also Official and other Letters, 1841, pp 51-3 and Evidence of Carrington, 6 June 1844, BPP, Vol. 2, I. 1350, p 69. He admitted he was "not able at that time to speak a word of the language."

²³⁰ *Ibid*, I. 1353 and I. 1359, p 70.

²³¹ *The Taranaki Report*, 1996, p 26.

Selection of Sections as Tenths Reserves for Maori

By July 1842, the settlers at New Plymouth had gathered publicly to select town and suburban sections from Carrington's survey plan. On the same occasion town and suburban sections were also selected as tenths reserves for Maori by the New Zealand Company's officials: the Surveyor, Carrington; the Company's resident agent, Captain Liardet, and the Company's store-keeper George Cutfield.²³² It is unclear whether Maori knew about this selection or were present as it was being made. However, in the course of the survey of rural sections in the Company's block some Te Atiawa leaders had approached Carrington, and made it clear that they wanted to remain on particular pieces of land. On 8 June 1841, several weeks before the date set for the public selection of rural allotments, Henry King, the Crown's Protector of Aborigines, and an unnamed missionary approached Carrington for advice about how to ensure that rural tenths were selected for Maori.²³³ In the course of their visit Carrington produced a map on which he had marked two sections "which the Natives wished to have."²³⁴ He seems to have deliberately sought Te Atiawa opinion through one of his assistants who was fluent in Maori.²³⁵ It is clear that these pieces of land were within the Puketapu hapu rohe and that the chief Katatore was the leader of the people claiming them.²³⁶ From Carrington's evidence it is apparent that they put a strong claim to him: they were living on the lands and "would not go off them."²³⁷ Both the missionary and the Protector of Aborigines approved of the sections Carrington had reserved at the wish of Te Atiawa. However, settlers selected the sections promised to Puketapu hapu: one was selected by a surgeon named Evans and the other by Captain John George Cooke.²³⁸ Puketapu hapu certainly must have been confused by

²³² Evidence of Carrington, 11 June 1844, in BPP, Vol. 2, I. 1486, p 77 and Extract of a letter from Wicksteed to Colonel Wakefield, 8 July 1842, BPP, Vol. 2 (556), p 379. Presumably when the Plymouth Company merged with the New Zealand Company in May 1841 Carrington became employed by the New Zealand Company as he continued surveying in New Plymouth until he left the country in August 1843 (Evidence of Carrington, 6 June 1844, BPP, Vol. 2, I. 1212, p 62).

²³³ No notice of appointment for position as district protector of aborigines has been found but it was common for resident magistrates to be appointed to the position. King was appointed resident magistrate at New Plymouth in 1848 and retired in 1852 (G H Scholefield (ed), *A Dictionary of New Zealand Biography*, Vol. I, Department of Internal Affairs, Wellington, 1940, p 268 and 467).

²³⁴ Evidence of Carrington, 11 June 1844, BPP, Vol. 2, I. 1486, p 77.

²³⁵ Ibid.

²³⁶ Ibid, I. 1491, p 77.

²³⁷ Ibid, I. 1494, p 77.

²³⁸ Ibid, I. 1490, p 77. It is likely that this was one of the root causes of continuing Te Atiawa protest and occupation of Cooke's Farm until the Crown purchased it for Cooke in 1848.

the fact that a promise had been made by Carrington but disregarded by other Company officials.

The intervention of Henry King, the District Protector of Aborigines, in the selection of the Company's rural tenths for Maori in Taranaki was the Crown's first, rather informal, involvement with reserves for Maori in the province. The Company had notified King that the rural lands were to be selected on 20 June 1841 and King became concerned that "such notice is silent as to the reservations of the one-tenth of the land made by the Company in favour of the aborigines."²³⁹ He made inquiries with Carrington about what arrangements the Company intended to make regarding the selection of rural tenths in order

to prevent, if possible, any disappointment and annoyance that may arise, should it happen that lands, the possession of which the Natives may be desirous to retain, should be selected to the exclusion by parties who are about to select land under your notice.²⁴⁰

These comments imply that King understood that the location of the tenths should, at least to some extent, reflect Maori wishes for land that they wished to retain. As we have seen this was entirely at odds with the Company's official policy. Carrington informed King that the town and suburban tenths had been selected for Maori by Company officials and advised King to attend the selection of rural land on the 20th "when you can choose, or see chosen, every tenths section, and ensure to the Natives that to which they are entitled."²⁴¹

It appears that there was a break-down in communication which caused misunderstandings between King and the Company's new agent John Tyson Wicksteed about who would draw lots for Maori in preparation for the public selection of rural allotments. This resulted in no one drawing lots on behalf of Te Atiawa.²⁴² A dispute then arose between King and Wicksteed about this omission and who had the authority to choose sections for tenths reserves. When King protested at the selection of rural sections on 20 June 1842 that no provision had been made for rural tenths for Maori, Wicksteed informed him that "that he ought to have drawn to

²³⁹ Carrington quoting from King to Carrington, 4 June 1841, BPP, Vol. 2, I. 1484 – 1485, p 76.

²⁴⁰ Ibid, I. 1485, p 76.

²⁴¹ Ibid, I. 1486, p 76.

²⁴² Extract of a letter from Wicksteed to Wakefield, 8 July 1842, BPP, Vol. 2, p 379.

see what number the Natives were entitled to, and that in consequence of his not putting in a lot for the Natives, they were excluded in his opinion."²⁴³ Wicksteed prevailed and no rural reserves were made despite King's claim to have the authority to choose lands for Te Atiawa by virtue of his position as District Protector of the Aborigines.²⁴⁴ In turn, Wicksteed refused to acknowledge King's authority because he claimed that the directors of the Company had instructed him as resident agent to choose the Native reserves in concurrence with the Company's chief surveyor.²⁴⁵ This dispute was symptomatic of a general struggle for power between the Company and the Crown, as the Crown began to assert its authority in the colony after the arrival of Lieutenant Governor Hobson in the country in January 1840 and the subsequent establishment of Crown Colony government in New Zealand.

Wicksteed's unwillingness to select rural tenths for Maori after the public selection on June 20 was at least partly a response to complaints from settlers who were unhappy about scattered sections being set apart as rural tenths. Two settlers, Charles Brown and Alexander Aubrey, had come to Wicksteed arguing that the forthcoming selection of rural tenths would violate the Company's terms of sale that "expressly stipulated, that purchasers might take their land in contiguous sections or blocks."²⁴⁶ Incidents of this kind caused the Company to rapidly modify its policy. Instead of scattered sections selected by the Company on behalf of Maori, William Wakefield approved a new policy of aggregating tenths into larger blocks, with Maori having input into the location of reserves. Wicksteed suggested that the best solution to the tension between the provision of rural tenths and settler demands was to "to take a block of land for the Natives, equal to what their tenths would give them, in some districts agreeable to themselves."²⁴⁷ Wicksteed was of the opinion that "this arrangement would be preferred to that which mixes them up with the Europeans, especially as their town and suburban lands enable them to live among the settlers, should they like the proximity."²⁴⁸ Wakefield agreed to Wicksteed's change of policy, hoping that Maori returning to the district would be happy to "be

²⁴³ Evidence of Carrington, 11 June 1844, BPP, Vol. 2, I. 1487, p 77.

²⁴⁴ Extract of a letter from Wicksteed to Wakefield, 8 July 1842, BPP, Vol. 2, p 379.

²⁴⁵ Ibid.

²⁴⁶ Ibid.

²⁴⁷ Ibid.

²⁴⁸ Ibid.

located together for the purposes of cultivation."²⁴⁹ However, nothing seems to have been done about providing rural tenths for Maori in Taranaki. Two years later William Spain, the Commissioner appointed to inquire into the Company's transactions, recommended that the Crown should appoint someone to make a selection of rural tenths for Maori.²⁵⁰

There is conflicting evidence about both the total amount of land finally reserved by the Company for Te Atiawa and what type of sections it comprised. Sources clearly indicate that Company officials on behalf of Te Atiawa selected town and suburban sections as tenths, but that no rural tenths were selected for them.²⁵¹ On one hand a May 1843 report by the Company stated that it had reserved 6,000 acres of town and suburban land for Maori at New Plymouth.²⁵² This equated to one-tenth of the 60,000 acres it claimed in Taranaki. It is unclear what proportion of this 6000 acres was in quarter-acre town sections and what proportion in the larger 50 acre suburban sections. A map of the suburban sections and tenths is shown in Figure 3, the 12 sections that are shown as reserved for Maori (excluding those with Barrett's name on them) certainly do not represent one-tenth of the sections surveyed. However they do equate to slightly more than 1 in 10 of the sections selected by settlers.²⁵³ On the other hand, an 1868 inventory of "lands set apart for the benefit of the Natives by the New Zealand Company" in Taranaki states that 200 town sections of a quarter of an acre each (a total of 50 acres) and 19 suburban sections of 50 acres each (a total of 950 acres) were the only tenths created. This totalled just 1000 acres, far less than 10 percent of the Company's 60,000-acre claim.²⁵⁴

The Company's Reserve Scheme: Initial Difficulties

The Company's tenths scheme was less successful than had been hoped. The primary reason for this was that Te Atiawa firmly refused to abandon their existing pa and kainga and relocate

²⁴⁹ Ibid.

²⁵⁰ Spain to FitzRoy, 12 June 1844, AJHR, 1860, E-2, No.7.

²⁵¹ Evidence of Carrington, 11 June 1844, BPP, Vol. 2, I. 1522, p 79.

²⁵² The Seventh Report of the Directors of the New Zealand Company presented to the Annual Court of Proprietors, London, 30th May 1843, printed by Johnston and Barrett, London, 1843, p 11.

²⁵³ If the suburban sections were 50 acres as the Plymouth Company's prospectus indicated (see note earlier in this chapter) then these 12 sections totalled only 600 acres, leaving 5400 acres in town sections. Given that this equates to 21, 600 quarter-acre sections this seems a massive amount of town land to be allocated to Maori.

²⁵⁴ 'Papers Relative to Lands set apart for the Benefit of the Natives by the New Zealand Company – Taranaki Inventory', AJLC, 1868, encl. in No. 4, n/d.

their communities onto the tenths reserves provided by the Company.²⁵⁵ Although, as previously noted, incomplete and simplistic explanations did little to assist Te Atiawa understanding of the reserve scheme, the real problem was that the reserves were incompatible with the historical identification of Te Atiawa hapu with their own areas. The Company failed to understand that Te Atiawa's reality was a landscape of recent and ancient settlements, cultivations, places for gathering the resources of forest, waterways, coast, and ocean; and burial and other tapu places that marked out relationships and mutually agreed use rights. Therefore, the areas of land which had been selected as tenths reserves by the Company for Maori were already subject to, and in the eyes of Te Atiawa remained subject to, ancestral rights and associations.

Te Atiawa refused to use reserves that were on land that they had no tribally sanctioned rights to. A typical incident occurred in 1844 near Cooke's farm at the Hua. Puketapu hapu began cultivating an area selected by Captain Cooke. George Clarke junior, the Assistant Protector of Aborigines, "remonstrated with them ... and pointed out two Native reserves at a short distance, which were much more adapted to their purpose." However Puketapu hapu "positively refused to make use of them; on the plea that they belonged to another family, and that, therefore they had no right to occupy them."²⁵⁶ They felt strongly about their perceptions stating, "that it was with reluctance they interfered with Mr. Cooke, and that they were ready to remove if I would point them out another spot upon which they could cultivate with equal advantage, within the limits of their own claim."²⁵⁷ However, all that Clarke could do at this impasse was to rather limply advise them not to interfere with Europeans.²⁵⁸

²⁵⁵ As a contemporary critic of the Company's scheme argued, reserves in town were unable to provide Maori with the natural resources they were accustomed to and it was unrealistic to expect that Maori would immediately desire to leave places that meet their needs, and on which they had settled over many generations, and where their ancestors were buried, to occupy town sections and amongst settlers (Ernest Dieffenbach, *Travels in New Zealand: With Contributions to the Geography, Geology, Botany, and Natural History of that Country*, John Murray, London, 1843, pp 146-8).

²⁵⁶ 'Extract from Sub-Protector Clarke's Report to the Chief Protector', 29 June 1844, AJHR, 1860, E-2, No. 10.

²⁵⁷ Ibid.

²⁵⁸ In Wellington Commissioner Spain noted with surprise that the Company were experiencing similar difficulties "in getting Natives belonging to one family to go on a reserve made within the boundary of the land belonging to another family." ('Report by Commissioner of Land Claims on Titles to Land in New Zealand, No. 1 Port Nicholson', 31 March 1845, BPP Vol. 5, p 15).

These situations were not uncommon in Taranaki, and Te Atiawa were generally resistant to occupying the tenths reserves because they were not located in areas where particular communities had traditional rights. The following month after the incident at Cooke's farm, John Whiteley, a Wesleyan missionary who had been active amongst Te Atiawa in Taranaki since before the Treaty was signed, informed George Clarke senior, the Chief Protector of Aborigines, that the allocation of reserves "with distinct reference to the prejudices, preference and predilections of the Natives themselves as to locality" had not been attended to and that he had heard this "complained of again and again."²⁵⁹ The Wesleyans seemed to be advocating that reserves for Māori should conform to the places they already inhabited. Again the idea that reserves should be aggregated into larger blocks was raised. Late in 1844 Samuel Ironside, another Wesleyan missionary, suggested to Commissioner Spain that "ample provision of land should be made for the resident Natives, not in sections chosen by lottery, but blocks of 5,000 acres in the different directions now occupied by them."²⁶⁰

The New Zealand Company's Administration of the Tenths Reserves

The New Zealand Company had a well-articulated general theory of reserves for Maori but its plans for administering the reserves were extremely vague. The Company's instructions to William Wakefield, and the clauses relating to the provision of reserves in the deeds which he executed show that the Company intended to hold the reserves in trust for the benefit of chiefs and their families.²⁶¹ Although the Company never formalised this trust it did appoint Edmund Halswell, a lawyer who had been involved in the establishment of the Company, as its commissioner "for the management of the lands reserved for the Natives in the New Zealand Company's settlements."²⁶² However, the Company's plans for the administration of the

²⁵⁹ Whiteley to George Clarke senior, 1 July 1844 enclosure 1 in Whiteley to Secretaries, Kawia [sic], New Zealand, 15 August 1844, Wesleyan Missionary Society Papers, qMS-2178, ATL, Wellington.

²⁶⁰ Ironside to Spain, 30 October 1844, BPP, Vol. 5, p 80.

²⁶¹ Trusteeship also had a Christian basis. The decision to set aside one tenth of the land echoes the Biblical practice of giving one tenth of all you have to God. In this case the members of the Aborigines Protection Society who conceived this policy saw themselves as trustees of this tenths, which they must improve if God was to bless the colonising endeavour. There is an echo here of the parable of the talents as well: the Society declared that "Colonisation ... will not prosper, - will not be well pleasing to the Most High, if, in taking nine tenths, we turn not to the best advantage of our wards, like honest guardians, the remaining tithe" (Sinclair, 1946, pp 27 - 28 citing *England & Her Colonies*, Aborigines Protection Society, 1841, p 8).

²⁶² Ward to Halswell, 10 October 1840, The Twelfth Report of the Directors of the New Zealand Company, London, 1844, p 481 (Wai 145# A29) and Ward to Wakefield, 13 October 1840, Exert relevant to the tenths from CO 208, p 347 (Wai 145 record of documents, doc C1 (c)).

reserves were so lacking that Company directors confessed that they could offer Halswell no instructions. Instead they asked him to report on the Maori population, its habits and the quality of the reserves and to make suggestions for the "cultivation, improvement, or disposal of the reserves."²⁶³

The Company was uncertain as to whether Maori should manage the reserves themselves, either by cultivating them or letting them to settlers. Neither were they sure what was to be done with the rental income generated if they were to be leased to settlers. They wondered whether it should be "permanently appropriated as a fund for promoting the moral and religious instruction of the chief families, or the Native race generally."²⁶⁴ Neither was the Company or the Crown certain about who actually owned the reserves. In 1840 Halswell considered that "the reserves can only be dealt with at present as the property of the Company."²⁶⁵ Yet in 1845, Halswell stated that Native reserves "might be considered their [Maori] exclusive private property."²⁶⁶ But as Halswell reported, Governor Hobson, "always appeared to treat the reserves as the absolute property of the Natives."²⁶⁷

The Crown's Intervention in the Administration of the Company's Tenths Reserves

Edmund Halswell's Administration as Commissioner of Native Reserves

In July 1841, the Crown appointed Edmund Halswell as its first official specifically charged with the administration of the tenths reserves at Port Nicholson, Nelson, Wanganui and New Plymouth. As we have seen, the Company had already appointed Halswell as its commissioner of reserves in April 1841. However he had only been in the country three months when he was informed by Governor Hobson that his "commissionership of Native reserves under the Company was a nullity, because the Company had no land to reserve." As Hobson saw it, the Company as yet held no Crown derived legal title to land in New Zealand, and therefore could not make reserves from land it did not own. Instead Hobson proposed that

²⁶³ Ward to Halswell, 10 October 1840, The Twelfth Report of the Directors of the New Zealand Company, London, 1844, p 481 – 483 (Wai 145 record of documents, doc A29).

²⁶⁴ Ibid.

²⁶⁵ Instructions from the Directors of the Company to Halswell, 10 October 1840, BPP, Vol. 2, p 669.

²⁶⁶ Extract from a report by Edmund Halswell to the Superintendent of the Southern District, 15 April 1845, BPP, Vol. 5, p 427.

²⁶⁷ Halswell to Secretary, New Zealand Company, 11 November 1841, The Twelfth Report of the Directors of the New Zealand Company, London, 1844, p 487 (Wai 145 record of documents, doc A29).

Halswell should take up paid positions in the Court of Quarter Session and in the Court of Requests at Wellington and be appointed Protector of Aborigines for the southern district and commissioner of Native reserves, without a salary for either of the latter offices.²⁶⁸ This illustrates again how the administration of the tenths was very quickly caught up in the struggle for power between the Crown and the Company. As far as the Crown was concerned Halswell was not an employee of the Company, but was fully and officially employed by the Governor. However, Halswell and the Company both continued to consider that he was employed by them to manage Company reserves. As a consequence he received instructions on the management of the reserves from the Company's principal agent, William Wakefield, as well as from the Governor and other Crown officials such as George Clarke senior (Chief Protector of Aborigines) and from Willoughby Shortland (the Colonial Secretary).²⁶⁹

Halswell's administration was hampered by the conflicting approaches of the Company and the Crown regarding the purpose of the reserves. The Company attempted to persuade Maori at Port Nicholson to vacate their pa and cultivations on sections allocated to settlers and to move onto the tenths reserves provided for them.²⁷⁰ In contrast the Crown "preferred a policy of leasing the Native reserves to settlers, with the rental income going to the benefit of Maori, rather than encouraging Maori to live on the reserves."²⁷¹ The Crown pursued its policy by appointing a committee to oversee tenders for leases of tenths reserves at Port Nicholson in September 1841: one of whose members was Halswell.²⁷² The formation of a committee may have been connected to the Crown's granting of a Royal Charter of Incorporation to the Company on 12 February 1841, in which the Crown expressed its intention to manage reserve lands on behalf of Maori and for Maori benefit.²⁷³ The revenue from these leases was to be paid directly to the Colonial Treasurer, to be credited to a "Native trust fund."²⁷⁴ The Waitangi Tribunal concluded that "this indicated that the Crown had abandoned the Company's plan to

²⁶⁸ Edmund Halswell to Lord Lyttleton, 29 April 1846, BPP, Vol. 5, pp 422-423. Official announcement of Halswell's appointment to all three of these positions was published in the *New Zealand Gazette*, 1841, No. 2, p 29.

²⁶⁹ *Te Whanganui-a-Tara me ona Takiwa*, 2003, p 282.

²⁷⁰ *Ibid.*

²⁷¹ *Ibid.*

²⁷² The other committee members were Michael Murphy (Police Magistrate) and Richard Hanson (Crown Prosecutor) (*Ibid.*).

²⁷³ Johnson, 1997, p 3.

make chiefs and their families alone the beneficiaries of the tenths and had adopted a trust policy in relation to the reserves."²⁷⁵

However, it soon became apparent that the Crown's committee would have difficulty controlling the leasing of tenths reserves and collecting the rents from them for Native purposes. Maori were quick to see the opportunity to arrange leases of reserves directly with settlers. This strongly suggests that they regarded the reserves as land which remained in their ownership and over which they had the right to exercise all the property rights of owners. In 1841, Halswell commented to the Secretary of the New Zealand Company that "though, taking the Natives as a body, they are not capable of undertaking the management of their lands, there are individual instances where the letting and renting of land are well understood."²⁷⁶ It appears that when Maori attempted to lease reserves Halswell intervened either to stop the lease being executed or failing this, to collect the rents for the trust fund.²⁷⁷ The Crown also attempted to stop Maori and settlers arranging leases between themselves by threatening to prosecute settlers who were occupying or leasing Native reserves.²⁷⁸ This response by the Crown is consistent with its ongoing assertion of the sole right to grant title (this included land claimed by the Company as at this point the Company had not been issued a Crown grant for land in any of its settlements).

When it realised that stopping privately arranged leases was impossible the Crown intervened to control these leases and the revenue from them. In September 1841, Halswell was informed by George Clarke senior that the committee of trustees was to let, by public tender, reserves not occupied by Maori. Leases were to be for a term of no more than seven years, and they were instructed to collect the rents and use them to pay for the particular Maori religious,

²⁷⁴ *Te Whanganui-a-Tara me ona Takiwa*, 2003, p 285.

²⁷⁵ *Ibid*, p 282.

²⁷⁶ Halswell to the Secretary of the Company, 11 November 1841, BPP, Vol. 2, p 671.

²⁷⁷ The Tribunal cited as evidence the case of the Pipitea chief Wairarapa who Halswell prevented from letting a Thorndon tenth in 1841 and the case of Wi Tako Ngatata who was letting a tenths reserve at Kumutoto only to find that the rent was being collected by Commissioner Halswell (*Te Whanganui-a-Tara me ona Takiwa*, 2003, p 282).

²⁷⁸ Proclamation by Colonial Secretary, Willoughby Shortland, 10 September 1841, H H Turton, *An Epitome of Official Documents relative to Land Purchases in the North Island of New Zealand*, 1883, ATL, Wellington, microfiche edition, n/d, D-2.

educational and health facilities outlined in the letter.²⁷⁹ Halswell complained that the policy had "prevented my letting any of the lands, no one having been found willing to erect buildings on town acres, or clear country land, for so short a term. In consequence, not a foot of ground has been taken, and no funds have been realised."²⁸⁰ It appears that Halswell sanctioned no leases for tenths at New Plymouth. Bishop Selwyn reported that he had been unable to sanction any expenditure for the benefit of Maori at New Plymouth because he "could not learn that any Native land had been let in the settlement of New Plymouth."²⁸¹ When no further instructions were forthcoming from the Company or the Governor, Halswell felt unable to do much more to let the reserves or to generate income for the benefit of Maori.²⁸² In April 1842, Halswell was instructed to refrain from entering into further leases, partly as result of problems associated with Barrett's lease, but also as a result of a more general level of confusion surrounding the nature of administration."²⁸³

Administration by the Crown Trustees

In 1842 the Governor appointed three trustees: Bishop Selwyn, of the Church Missionary Society in New Zealand; William Martin, the Chief Justice; and George Clarke senior, the Chief Protector of Aborigines,²⁸⁴ to replace Halswell and the other committee members as administrators of the tenths reserves.²⁸⁵ It was envisaged that the tenths would be legally vested in the Crown who would then vest them in the trustees along with the rents from the reserves.²⁸⁶ However, after the death of Hobson, the Acting Governor Shortland refused to

²⁷⁹ Clarke to Halswell, 28 September 1841, *Turton's Epitome*, D-3.

²⁸⁰ Halswell to the Colonial Secretary, 29 November 1841 & Halswell to Secretary, New Zealand Company, 10 February 1842, The Twelfth Report of the Directors of the New Zealand Company, London, 1844, p 488 and 490 (Wai 145 record of documents, doc A29).

²⁸¹ G.A.[Bishop Selwyn] to His Excellency, 19 December 1842, BPP, Vol. 2, p 186.

²⁸² Halswell to the Secretary of the Company, 10 February 1842, BPP, Vol. 2, p 676.

²⁸³ Johnson, 1997, p 8. Barrett had erected a hotel on town acre 514 partly on the strength of a claim to the land by his wife's people (*Te Whanganui-a-Tara me ona Takiwa*, 2003, p 283).

²⁸⁴ Governor Hobson appointed the first protector of aborigines in New Zealand, the missionary George Clarke Senior, in 1840 under instruction for the Colonial Office. He and his district protectors were to have summary jurisdiction in court cases between Maori and Pakeha and were to play a role in protecting Maori interests during Crown purchases of land (Adams, 1977, pp 215, 231 – 232).

²⁸⁵ Colonial Secretary to Halswell, 18 June 1842, The Twelfth Report of the Directors of the New Zealand Company, London, 1844, p 496 (Wai 145 #A29). However Halswell refused to resign and continued as agent for the Wellington town reserves until the Crown's trustees appointed Henry St. Hill as his replacement in March 1843. (*Te Whanganui-a-Tara me ona Takiwa*, 2003, pp 283 – 284).

²⁸⁶ Shortland to the Chief Justice, 26 July 1842 and Bishop of New Zealand to Arthur Wakefield, 23 May 1843, The Twelfth Report of the Directors of the New Zealand Company, London, 1844, p 498 & pp 470 – 471 respectively (Wai 145 #A29).

pass legislation to formalise the trust.²⁸⁷ In 1845, Halswell was in doubt that any "declaration of trusts has ever been executed" and was uncertain as to whom the reserves were actually legally vested in.²⁸⁸

The fundamental principle of the trust remained the same as that of the 1841 Port Nicholson committee: that is that the 'improvement' of Maori was to be paid for by the revenue generated by leasing the reserves.²⁸⁹ All funds generated, after the Protectorate Department's costs had been covered, were to be applied by the trustees to "the establishment of schools for the education of youth among the aborigines, and in furtherance of such other measures as may be most conducive to the spiritual care of the Native race, and to their advancement in the scale of social and political existence."²⁹⁰ Bishop Selwyn considered that hostelries and schools on the English model, and very much for the purpose of changing Maori habits and bringing them into a state of 'civilisation' should be a priority.²⁹¹

The terms of this trust had several advantages from the perspective of the Company and of the Crown. The tenths in fact became a 'reserve' of land that could be made available to settlers as leasehold. The rents would pay for the 'improvement' of Maori so that they would not be a drain upon the Company or Crown's limited funds. Meanwhile the facilities built would rapidly assimilate Maori. However, in reality this was extremely problematic. Sufficient revenue to fund this programme depended upon leasing the very reserves on which Maori were living. Allowing Maori to remain in their pa and kainga that were also supposed to be reserved for them could

²⁸⁷ Governor FitzRoy initiated another attempt at a trust for Native Reserves in 1844 through the Native Trust Ordinance 1844; its preamble is a clear statement that these lands and the funds that would derive from them were to be applied for the purposes of the rapid assimilation of Maori into the habits and usages of the European population. However FitzRoy's successor, Governor Grey refused to gazette the ordinance and so it never came into force (Johnson, 1997, p 12.)

²⁸⁸ Extract from a report by Edmund Halswell to the Superintendent of the Southern District, 15 April 1845, BPP, Vol. 5, p 427.

²⁸⁹ Colonial Secretary to the Chief Justice, 26 July 1842, BPP, Vol. 2, p 683.

²⁹⁰ The idea that reserves should be leased to provide funds for institutions to 'civilize' Maori appears to have had the support of the Aborigines Protection Society: A leading member of the society, Reverend Hawtrey, writing to Lord Russell of the Colonial Office in 1840, "explained that his intention was that these reserves should be made, not so that the Maoris could continue to live in their customary way, but so that a fund might be provided to meet "the expenses which must be incurred before the Natives can be placed in the same scale of civilization and social order as their European visitants." (cited in Sinclair, 1946, pp 40 – 41).

²⁹¹ Extract from the letters and visitation [51] of the Bishop of New Zealand - Journal, written at Nelson, August 21 to August 29, 1842, *The Fifteenth Report of the New Zealand Company*, London, 1842, Appendix No. 1, p 17.

solve this problem. However, many of these places had not been reserved as promised, and in any case allowing Maori to remain in their settlements threatened to undermine the Company's programme of assimilation. That policy depended upon breaking up the communal lifestyle of pa and kainga and persuading Maori to live on reserves and embrace western notions of individual ownership.

The plans to use funds from the rents from tenths reserves to pay for the costs of protecting and 'civilising' Maori were severely constrained by the small amount of revenue that was generated. Few reserves were ever leased and so the revenue generated was too low to sustain the programme that Selwyn had in mind.²⁹² Chief Justice William Martin had resigned as trustee in 1843 and Bishop Selwyn resigned in February 1844 after Governor FitzRoy refused to recognise the existing trustees.²⁹³

Administration of the Company's Tenths in Taranaki by the Crown's Trustees, 1841 - 1844

In 1841 the Crown's trustees appointed Henry St. Hill, a Wellington land agent, as their agent for the tenths in Taranaki. In January 1844, Wicksteed, the Company's agent in the settlement, claimed that because St. Hill had difficulty visiting New Plymouth as often as the trustees required Bishop Selwyn had asked him to act for St. Hill "in letting and superintending the Native property in Taranaki."²⁹⁴ New Plymouth was certainly the most isolated of the Company's settlements, so it probably seemed logical that Wicksteed would be appointed as a deputy to the trustees. However, the administration soon broke down because of differences of opinion between Wicksteed and Henry King, the Crown's Protector of Aborigines in the district. Wicksteed followed the Crown trustees' lead in arranging or sanctioning leases over some of the tenths reserves, while King complained that Wicksteed was letting reserves against the wishes of Te Atiawa. This exposed a misunderstanding about whether or not Wicksteed in fact had been appointed to act for St. Hill.

²⁹² No surplus was generated in Wellington. In Nelson, the situation was more positive: the reserves were generating over £300 per annum and a small hospital and a hostel had been built there. (G.A.[Bishop Selwyn] to His Excellency, 19 December 1842, in BPP, Vol. 2, p 186). Also see FitzRoy's assessment of facilities for Maori (Governor Robert FitzRoy, *Remarks on New Zealand in February 1846*, W and H White, London, 1846, p 60).

²⁹³ *Te Whanganui-a-Tara me ona Takiwa*, 2003, pp 283, 285.

²⁹⁴ Wicksteed to Wakefield, 22 January 1844, *Turton's Epitome*, D-11.

Wicksteed reported that he had let several of the tenths reserves "on advantageous terms to respectable tenants."²⁹⁵ But King had written to Bishop Selwyn informing him that Wicksteed had let reserve lands that Maori wished to occupy.²⁹⁶ Presumably, King had come to this opinion from complaints brought to him by Te Atiawa. Before the matter was resolved, Bishop Selwyn visited New Plymouth, where he insisted "upon the Native reserves being let for the benefit of the aborigines, and not occupied by them."²⁹⁷ In response to King's complaint Bishop Selwyn instructed Wicksteed to abstain "from acting on behalf of the Native reserves in any ostensible manner: the Company having resigned the charge of the Native reserves into the hands of the Government."²⁹⁸ Clearly Selwyn believed that Wicksteed was acting as the Company's agent in administering the reserves. Therefore he asked him to co-operate with the Crown's officials: Mr. St. Hill, the agent for the trustees, and the Acting-Protector of Aborigines in the district, Captain King, in ensuring that "the wishes of the Natives may in all cases be consulted, and that no land upon which they are now settled be let, save with the express consent of the Board of Trustees."²⁹⁹

Wicksteed objected, complaining that the Bishop's stand on the matter was contradictory. On one hand the Bishop had said that Native reserves were to be let rather than occupied by Maori and on the other he insisted that Maori wishes as to which land they occupied and which they leased were to be respected.³⁰⁰ Wicksteed also recognised that if reserves intended by the Company for Maori use and occupation were not to be occupied and cultivated by them this left the problem of where Maori were going to live in a district where all the remaining land in the area had been 'purchased' by the Company and was now, as he saw it, the Company's exclusive property. It was clear to Wicksteed that the reality would be that reserves not

²⁹⁵ Ibid.

²⁹⁶ G.A. New Zealand, Auckland, to the Colonial Secretary, 8 May 1843, IA 1, 43/204, ANZ, Wellington. He may also have been influenced by the opinion of the Chief Protector of Aborigines, George Clarke, who "publicly declared that these reserves were payment to Maori for the remainder of the land. Maori therefore looked upon them as their own and they effectively ceased to be available to be let on their behalf by Crown trustees." (Ward, 1997, p 91).

²⁹⁷ Wicksteed to Colonel William Wakefield, 30 November 1842, *Turton's Epitome*, Taranaki, A-1, No.2.

²⁹⁸ G A New Zealand, St. John's College, The Waimate, Bay of Islands to Wicksteed, 5 April 1843, NZC 308/1 [No.15], ANZ, Wellington.

²⁹⁹ Ibid.

³⁰⁰ Wicksteed to Wakefield, 22 January 1844, *Turton's Epitome*, D-11.

required for occupation by Maori could safely be let, but that should more Maori return to the district this surplus would quickly disappear and be unavailable for generating funds.³⁰¹

Bishop Selwyn's decision not to recognise Wicksteed's administration plunged the tenths reserves into a state of administrative limbo. Wicksteed took Bishop Selwyn at his word and refrained from interfering in the management of the reserves from April 1843. It also appears that the Crown's trustees took no active role in managing the tenths at New Plymouth. The following year Wicksteed stated that: "since that period [April 1843] I am not aware that any care has been taken of the Native property in Taranaki by any person, be he trustee, commissioner or agent." He pointed out to Wakefield that as a result the tenths were being neglected and were unproductive in terms of raising funds for Native purposes.³⁰²

The Abolition of the Company's Tenths and the Creation of Native Reserves by the Crown at New Plymouth, 1844

Introduction

The tenths reserves the Company created for Maori in the New Plymouth settlement were abolished after the Governor FitzRoy found it necessary to intervene in the settlement in 1844. His intervention was a direct result of petitions from Te Atiawa angered by Commissioner Spain's decision to recommend that the Company's claim to 60,000 acres in the province be upheld.³⁰³ FitzRoy's intervention resulted in negotiations with Te Atiawa over a block of land surrounding the township of New Plymouth (the FitzRoy block). Within this block the Crown created its first Native reserves for Te Atiawa.

Commission Spain's Recommendation Regarding the Company Tenths

As mentioned previously, the Crown had signalled its intention to investigate all private transactions for land in New Zealand. During the debate around the signing of the Treaty at Waitangi Hobson had promised Maori that all private purchase before the Treaty would be examined and "lands unjustly held would be returned."³⁰⁴ On the instructions of the Colonial

³⁰¹ Wicksteed to Wakefield, 30 November 1842, *Turton's Epitome*, Taranaki, A-1, No. 2.

³⁰² Wicksteed to Wakefield, 22 January 1844, *Turton's Epitome*, D-11.

³⁰³ Forsaith to Clarke, 10 July 1844, IA 1, 44/1596 filed at 44/1696, ANZ, Wellington and Whiteley to Clarke, 1 July 1844 enc. No. 1 in Whiteley to Secretaries, 15 August 1844, Wesleyan Missionary Society Papers, qMS-2178, ATL, Wellington.

³⁰⁴ *The Taranaki Report*, 1996, p 25 citing Colenso.

Office the New South Wales legislature then enacted the New Zealand Land Claims Ordinance in August 1840 (this was later re-enacted in New Zealand as the Land Claims Ordinance 1841). This ordinance gave the Governor the power to appoint a commissioner to inquire into transactions. The commissioner was to recommend to the Governor that a grant be issued to the party involved in cases where Maori affirmed the transaction.³⁰⁵

In November 1840 a special arrangement was made for the New Zealand Company's transactions. The Company would renounce its claims to massive areas of the country in exchange for four acres for every pound it had spent on colonisation, to be chosen from the lands described in any of its deeds.³⁰⁶ Although the terms of the agreement stated that it would apply only to land the Company had acquired before Hobson's arrival, and the Ngamotu deed was signed after his arrival, the Company filed a claim to Taranaki.³⁰⁷ In January 1841 William Spain, an English lawyer, was appointed Land Claims Commissioner to investigate the land purchases of the Company. However, the Wellington investigation meant that Spain was unable to begin his hearings at New Plymouth until May 1844.

In June 1844, Spain recommended that the Company be awarded 60, 500 acres in Taranaki. As a part of his decision to recommend that the Company's existing arrangements be confirmed Spain also upheld the existing tenths reserves and suggested that the tenths scheme be completed by the allocation of rural tenths to Te Atiawa. Although many of the rural sections had already been selected by settlers Spain was of the opinion that "strict justice" demanded that an authorised officer be appointed to select the reserves on behalf of Te Atiawa and that "the officer or agent, who may hereafter be authorised for this purpose, should be at liberty to make choice of any sections already so selected by purchasers from the Company."³⁰⁸ He also recognised that in making such choices the agent should consider "the obvious interests, the fair requirements or the natural predilections of the Natives."³⁰⁹ He

³⁰⁵ Ibid, p 25.

³⁰⁶ R. Veron Smith to Somes, 18 November 1840 and Somes to Russell, 19 November 1840, BPP, Vol. 3, p 207 and pp 209 – 210 respectively.

³⁰⁷ *The Taranaki Report*, 1996, p 25.

³⁰⁸ Spain to Wicksteed, 13 June 1844, BPP, Vol. 5, p 80.

³⁰⁹ Ibid.

suggested to Governor FitzRoy that the trustees of Native reserves appoint "an agent here, to make these selections as soon as possible."³¹⁰

Spain also attempted to ensure the Company's promises to reserve pa, cultivations and burial places were honoured in addition to the 6050 acres to which Te Atiawa were entitled as tenths reserves.³¹¹ However, he was careful to define the limits of pa as being "the grounds fenced in around their Native houses, including the cultivation or occupation around the adjoining houses, without the fence."³¹² Cultivations to be reserved were to be limited to "cultivations on those tracts of country which are now used by the aboriginal Natives of New Zealand since the establishment of the colony."³¹³ Spain made it clear that the award he was recommending be made to the Company was "saving and excepting ... all the pas, burying places, and grounds actually in cultivation by the Natives, situate within any part of the before described block of land hereby awarded to the New Zealand Company."³¹⁴

³¹⁰ Spain to FitzRoy, 12 June 1844, AJHR, 1860, E-2, No.7.

³¹¹ Ibid. Wicksteed, the Company's agent at New Plymouth, reported in June 1844 that Maori were cultivating 10 acres at Moturoa; 25 acres at Huatoki; 2 acres at Henui; 16 acres at Waiwakaiho; 2 acres at Hua (this excluded 10 acres 'lately cut down'); 6 acres at Huhira and 60 acres which were being cultivated by Maori at other places (Numgareta [sic], Waiongana, Waitera, Pukerangiora, Kirva [sic] and Tamwa [sic]) (Wicksteed to Spain, 13 June 1844, BPP, Vol. 5, p 79).

³¹² Wells, 1878, p 106.

³¹³ Ibid.

³¹⁴ Ibid.

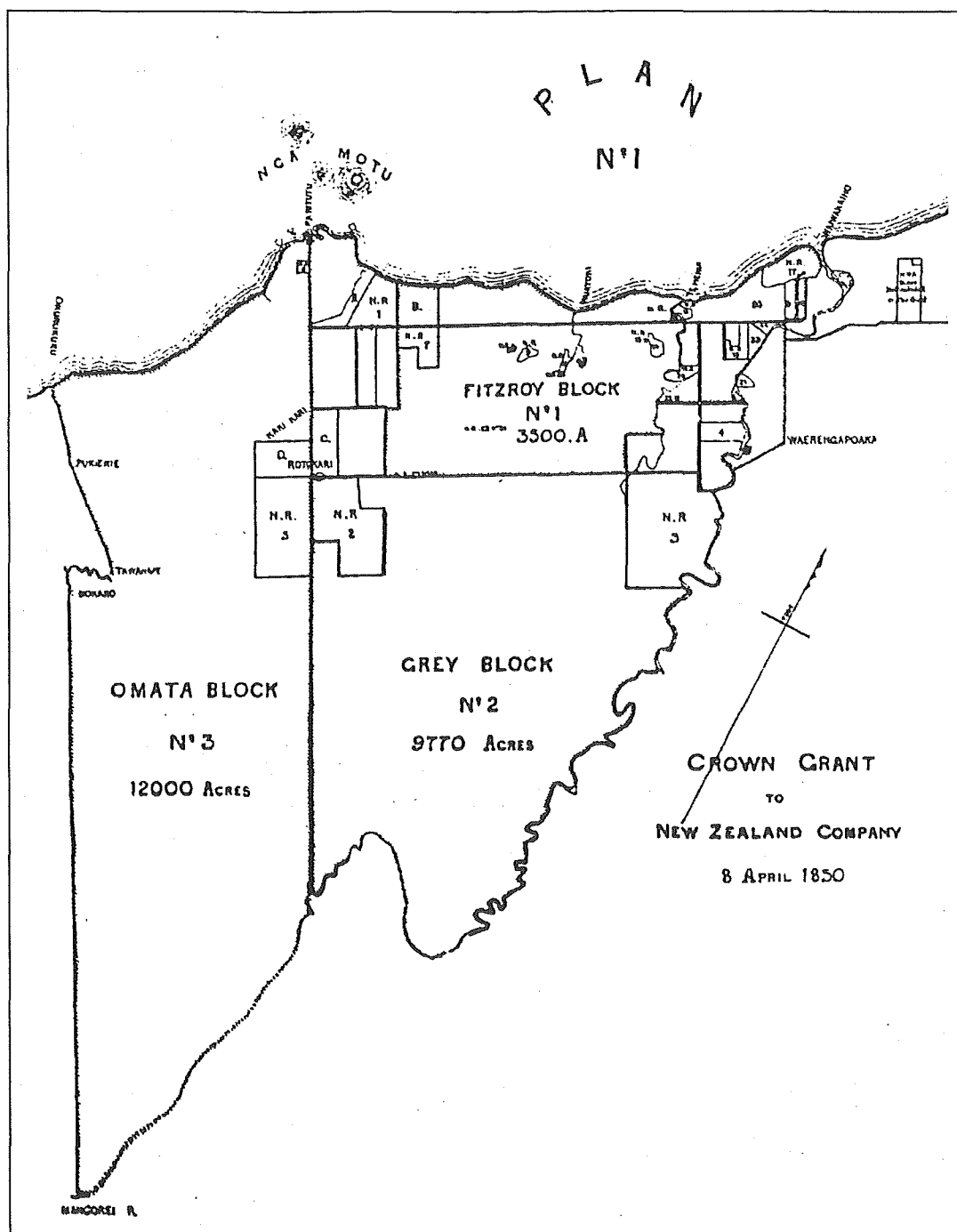


Figure 4: An 1850 Map showing the 1844 FitzRoy block (and other blocks purchased in 1847) and the Native Reserves within that block, (source: H H Turton, *Plans of Land Purchases in the North Island of New Zealand, Vol. II, Provinces of Taranaki, Wellington and Hawkes Bay, 1878*, microfilm edition published by Alexander Turnbull Library, Wellington, n/d.).

The FitzRoy Agreement, 1844

Spain's recommendation was utterly unacceptable to Te Atiawa. They appealed to the Governor not to accept Spain's findings arguing that, because many Te Atiawa had not been involved in the transaction with the Company, they had not sold their land.³¹⁵ After Spain's decision, and while Te Atiawa waited for a reply to their appeal to the Governor, tensions between Te Atiawa and settlers rose steadily. There were encounters between settlers and Te Atiawa near Mangaoraka and Waitara, and the settlers sent their own appeal to the Governor for military aid.³¹⁶ In response to these petitions, FitzRoy finally arrived at New Plymouth on 2 August 1844. He was assisted by the Wesleyan missionary Reverend John Whiteley from Kawhia, and protectors of aborigines Donald McLean and Thomas Forsaith.³¹⁷

It was clear to FitzRoy that some kind of solution must be found rapidly. He was firmly of the view that despite Spain's decision the Company had not effected a valid purchase. Most of all he was aware - he could hardly fail to be so after their protests and letters - that Te Atiawa also believed this. He decided to intervene "because the injustice of awarding land to the New Zealand Company, which was well known not to have been purchased by them, was apparent to every Native."³¹⁸ For FitzRoy what was most at risk was the long-term peace, stability and viability of the settlement: "It appeared so clear to the Governor that the view taken by the Land Commissioner could not be adopted by the Government without causing bloodshed, and the probable ruin of the settlement."³¹⁹ A compromise which Te Atiawa, the Company and its settlers could agree to was needed. FitzRoy recognised the settlers were already established at New Plymouth and "required sufficient land."³²⁰ He also realised that although Te Atiawa in the area of the town "were desirous that they [settlers] should not quit the place" they were

³¹⁵ Wiremu Kingi Whiti [Te Rangitake] and other Ngatiawa chiefs from Waikanae & Warekauri to Governor FitzRoy, 8 June 1844, Wells, 1878, p 111. Also John Whiteley to George Clarke, 1 July 1844 enclosure 1 in John Whiteley to Secretaries, Kawia [sic], New Zealand, 15 August 1844, Wesleyan Missionary Society Papers, qMS-2178, ATL, Wellington from people with land at Taniwa, Waitara, Waiongana, Puketapu, Te Hua, Mangaoraka, Waiwakaiho, Te Henui, Huatoki, and Ngamotu.

³¹⁶ Ibid.

³¹⁷ FitzRoy, 1846, p 29. It is clear that FitzRoy's approach was heavily informed by suggestion made by the Protector of Aborigines, T S Forsaith, see Forsaith to the Chief Protector, 23 November 1844, BPP, Vol. 12, pp 215-216.

³¹⁸ FitzRoy, 1846, p 29.

³¹⁹ Ibid.

³²⁰ Ibid.

also "determined not to sell them certain favourite localities."³²¹ Therefore he aimed to "secure the rightful possession of a small block of land about the town, sufficient for the present occupation of the settlers."³²²

Te Atiawa appear to have been negotiating a policy with the colonisers to control the extent of British settlement at New Plymouth.³²³ Te Atiawa hapu took the initiative, defining the block of land on which they were willing to allow the Europeans to live. This accords perfectly with the sense of autonomy Maori presumed as tangata whenua but was outrageous to Company officials who believed utterly in their right to control the form of the settlement at New Plymouth. Wicksteed, the Company's agent, described Te Atiawa as "insolent and troublesome" because they were "marking out very narrow boundaries of the land they intended to give up to the Europeans; who first were confined to the seaside of the Devon line, then to be allowed to progress towards the Belt, or, in the event of large utu not being forthcoming, to the south side of the Huatoki."³²⁴

By 1844 Ngamotu hapu probably realised that the old method of marrying strangers into the community and providing them with resources in exchange for trading for and defending the community was simply not viable as large numbers of settler men arrived with wives and children or as part of an extended kin network. Instead they sought a means of controlling and permanently containing the settler community as a whole within fixed boundaries. Yet the decision to pursue this new strategy was not made easily. McLean complained that, "every one, young or old, has a voice in their deliberations, and which often causes dissatisfaction and annoyance."³²⁵ But the fact that the arrangements were finally agreed to by Ngamotu hapu demonstrated that they continued to seek new ways of creating the direct and mutually beneficial relationships with settlers that they had expected.

In this context the FitzRoy agreement can be characterised as a "political settlement based on the reality that there were already settlers on the land who had to be either accepted or driven

³²¹ Ibid.

³²² FitzRoy to Wicksteed, 22 November 1844, BPP, Vol. 5, p 144. Waiver see proclamation, 6 March 1844, encl. P in FitzRoy to Lord Stanley, 15 April 1844, BPP, Vol. 4, pp 199 – 200.

³²³ *The Taranaki Report*, 1996, p 40.

³²⁴ Wells, 1878, pp 120 – 121, citing Wicksteed to Wakefield, 23 November 1844.

³²⁵ McLean to the Chief Protector, 17 December 1844, *Turton's Epitome*, Taranaki, A-2, No. 4.

out."³²⁶ The majority of settlers were already living within the town area that later became the FitzRoy block, and Ngamotu people had been willing from the beginning to have Europeans settle amongst them. Therefore the key conditions that Te Atiawa insisted on were "that settlers still outside the FitzRoy block would be brought back into it (and the deed was not executed until certain settlers had shifted) and ... that the settlers would expand no further."³²⁷ The Governor understood that Ngamotu people were willing to create a community on this basis whereas Puketapu hapu under Katatore at the Hua, and Wiremu Kingi Te Rangitake in the Waitara district were more firmly opposed to any British settlement on their land. The Protector of Aborigines involved in negotiating the agreement described the block as "principally claimed by those Natives who are best disposed towards the Europeans."³²⁸

Governor FitzRoy did not view the agreement as a permanent solution to New Plymouth's difficulties. Instead he saw the agreement simply as a way to calm tensions and ensuring settlers had the land they required while the remainder of the Company's original claim was gradually acquired by the Crown through deeds of cession. This was explicit in FitzRoy's explanation of the agreement to Wicksteed. FitzRoy explained that he would secure enough land for "the present occupation of the settlers by completing the small part only of the purchase said to have been made by the New Zealand Company."³²⁹ This reinforced settler beliefs that the Company had the right to the whole area, and all that was required was to pay further 'compensation' to some Maori.³³⁰ To enable the Company to eventually recover the full area it had claimed, FitzRoy waived the Crown's pre-emptive right in favour of the Company so that it could 're-purchase' the remainder of their claim directly from Maori.³³¹ FitzRoy somewhat idealistically envisioned that Te Atiawa would offer, in their own time, small blocks of land to the Company, to which the Company would then gain clear title.

³²⁶ *The Taranaki Report*, 1996, p 40.

³²⁷ *Ibid.*

³²⁸ Extract from Report of Forsaith to the Chief Protector, 23 November 1844, BPP, Vol. 12, pp 215-216.

³²⁹ FitzRoy to Wicksteed, 22 November 1844, BPP, Vol. 5, p 144.

³³⁰ *The Taranaki Report*, 1996, p 41.

³³¹ FitzRoy to Wicksteed, 22 November 1844, BPP Vol. 5, p 145.

Native Reserves in the FitzRoy Block

The FitzRoy agreement was signed on 28 November 1844. It stated that "the pas, cultivations, burial places, and reserves are all that we retain."³³² This strongly suggests that at the very least there was some initial agreement about these issues even if the sites and lands in questions had not been strictly defined before the deed was signed. In the month following the signing of the agreement the town and suburban tenths that the Company had laid out for Maori within its original claim were abolished, and a new set of reserves were made within the boundary of the FitzRoy block.³³³ The boundaries of the block and the Native reserves within it are shown in Figures 4 and 5. The reserves were defined on plans of the block; they included several that were obviously small clearings being used for cultivation, and several areas to be used by Maori for up to a year as temporary cultivations.³³⁴ It is also possible that some small traces of the Company's tenths reserves remained in the Native reserves of the FitzRoy block. The Governor wrote to Wicksteed that it was his intention that any of these tenths actually in the occupation of Maori would be retained as reserves in the new block, but any which were "not required for their present use or occupation will likewise be placed at your disposal for the above mentioned purpose alone [the resettlement of settlers onto the block]." ³³⁵ By 21 December, Wicksteed was able to write to Wakefield enclosing "a tracing of the block [FitzRoy or "home block"] which shows the parts reserved for the Natives."³³⁶ He reported that "nearly all" of the reserves "were either Native reserves made by the Company, or land which they had actually obtained possession of and were cultivating."³³⁷

The Company's tenths policy had set the benchmark for the amount of land considered sufficient as a reserve for Maori. However, the reserves (totalling 312.93 acres) in the FitzRoy block represented slightly less than one tenth (9.20 percent) of the block's total area of 3500

³³² Deeds - No. 2 FitzRoy Block, New Plymouth District, 28 November 1844, H H Turton, *Maori Deeds of Land Purchases in the North Island of New Zealand*, 1877, Vol. II, Taranaki Province, ATL, Wellington, microfiche edition, n/d.

³³³ It was calculated that settlers would need 2,800 acres of the 7,150 acre block which would still leave 4,350 acres "out of which the reserves could be selected" (Extract from Report of Forsaith to the Chief Protector, 23 November 1844, BPP, Vol. 12, p 216).

³³⁴ T7, TR 3 and TR 7, all 1844, LINZ, New Plymouth.

³³⁵ Wells, 1878, pp 118-9 citing FitzRoy to Wicksteed, 22 November 1844.

³³⁶ Wicksteed to Wakefield, 21 December 1844, NZC 3/24, No. 58/44, p 474, ANZ, Wellington.

³³⁷ Ibid.

acres.³³⁸ A few days before the deed was signed, Forsaith did a quick reckoning as to how much land in the block would be available for allocation as Native reserves if FitzRoy's plan went ahead. He indicated that up until this point the tenths policy had not really been questioned, but he wondered if the demands of settlers for their sections would mean that the Crown might need to be more flexible about this proportion. He suggested that if reserving a tenth of the block "should be found inconvenient, the rule of reserving a tenth might be abandoned, and separate blocks marked out for the use of those Natives who were parties to the sale, and who reside or are in the habit of cultivating within the prescribed limits."³³⁹

The creation of the Native reserves in the FitzRoy block marked a decided shift in Native reserve policy. It shows that the Crown had firmly rejected the Company's practice of making selections for reserve sections by lottery. They had also abandoned the idea of selecting individual sections as reserves so that Maori were scattered amongst the sections held by settlers. Instead the Crown took up the suggestions that had been made as early as 1842 by the missionaries and Company officials in Taranaki that Native reserves should be aggregated into blocks with Maori having some input into the location and size of the reserves.³⁴⁰

The Company had proposed aggregating the rural tenths into blocks in order to meet settler's demands that they be free to choose adjacent sections to form sizeable farms. The pattern of Native reserves in the FitzRoy block indicates that pressure from settlers to be able to hold larger blocks of rural and suburban land continued to shape the Crown's policy regarding the size and location of Native reserves beyond the immediate boundaries of New Plymouth township. It is also possible that Te Atiawa were keen to have their reserve land in the rural and suburban zone in blocks large enough for a community to live on and farm profitably. We find that the largest reserves in the FitzRoy block (Numbers 7, 17, 18, 23 and to some extent 20, see Figure 4) are furthest from the town of New Plymouth, which at that time was confined

³³⁸ Deeds – No. 11, Crown Grant for the FitzRoy, Omata, Grey and Tataraimaka Blocks to the New Zealand Company, 8 April 1850, *Turton's Deeds*, Taranaki Province.

³³⁹ Extract from Report of Forsaith to the Chief Protector, 23 November 1844, BPP, Vol. 12, p 216.

³⁴⁰ These suggestions were reiterated by a Wesleyan missionary Samuel Ironside around the time that the FitzRoy agreement was being negotiated. He suggested that "ample provision of land should be made for the resident Natives, not in sections chosen by lottery, but blocks of 5000 acres in the different directions now occupied by them." (Ironside to Spain, 30 October 1844, BPP, Vol. 5, p 80).

between the Huatoki and Te Henui Rivers. Aside from Native reserves 10 and 11, all the cases where two reserves are adjacent to each other (Native reserves 18 and 23, and Native reserves 15 and 16) are either on the fringe of the town or beyond it. As Murray suggests, this may have been part of a deliberate policy of making reserves in locations that would not interfere with the expansion of the settlement.³⁴¹

Conversely, the number of very small areas of land designated as Native reserves in the FitzRoy block indicates that the Crown was following the policy of the Company in reserving Maori pa and cultivations. A number of the FitzRoy reserves were clearly reserved because they were small patches of land under cultivation at the time of the agreement. Understandably Maori were unwilling to abandon their food growing clearings. But in the long term their small size and isolation in a sea of settler-owned sections made them vulnerable to being subsumed into settlers' sections, sold or exchanged. However, the Crown's commitment to reserving pa and cultivations remained inconsistent, and some pa and kainga of historical importance to Te Atiawa and in use at the time of the agreement were neither designated as Native reserves nor reserved in addition to the Native reserves. This meant that very few reserves made were within the central New Plymouth area and those that were made were all very small pieces of land. This was to have the effect of permanently shutting Te Atiawa out of central New Plymouth as it developed as a provincial business centre. For example, Pukeariki (the hill of chiefs), a prominent, ancient pa and burial site on the south side of the Huatoki Stream, near the mouth, was not set aside or included within the boundaries of a Native reserve, despite a number of approaches being made by hapu leaders to officials. It had clearly been a concern since the beginning of the settlement, when Te Atiawa pointed out that the graves of the children of Te Wharepouru were in the pa, and as a result, Captain Liardet, the Company's first Resident Agent at New Plymouth, had the immediate area around the graves fenced off.³⁴² On 3 September 1844, two months before the FitzRoy deed was signed, McLean was approached by Te Rangikapuoho

for a place to settle on at PukiAriki [sic] or the Flagstaff it being the Pa or residence of all the principal chiefs of Ngamotu and several of their forefathers are now lying buried

³⁴¹ Murray, 1997, p 7.

³⁴² Evidence of Carrington, 11 June 1844, BPP, Vol. 2, I. 1605, p 83.

here and the [sic] Rangi Kupua is desirous of having a place at this Pah for a residence for himself and his tribe. I promised him that I should speak to the Governor about that when he arrived here on the first of October. Moturoa also made application for a house on this Pah for himself and some of his people to live in.³⁴³

Conclusion

From the beginning of systematic British colonisation in New Zealand by the New Zealand Company Native reserves featured prominently in visions of the future place of Maori within the Anglo-settler State. The Company created tenths reserves: one in every ten sections in their settlements selected by lottery on behalf of Maori and scattered amongst the sections held by settlers. These reserves were to be one of the principal mechanisms by which Maori would be contained and controlled. In British settler towns Maori were to be 'civilised' by emulating the example of their settler neighbours until they were eventually assimilated into the dominant British settler society. The New Zealand Company claimed to have acquired all of the land within the Te Atiawa rohe in Taranaki in 1840. It subsequently surveyed the land into individual sections and a flood of settlers arrived at New Plymouth to take possession between 1841 and 1844. It was in this context that the Company created the tenths reserves, attempting to reposition Te Atiawa within the 'civilizing' sphere of New Plymouth township.

However, the Company's tenths policy fitted very poorly with Maori concepts of ancestral associations and use rights. In particular the concept of exclusive individual ownership of bounded parcels of land and the presumption that the newcomers had acquired an exclusive right to the land that wiped away all previous tribal rights was completely alien to Maori concepts and tikanga. As a result Maori resisted attempts to relocate their communities onto tenths reserves. Added to these difficulties was the impact the struggle for power between the Company and the Crown in the early 1840s had upon the allocation and administration of the reserves. The commissioner appointed by the Company was soon also responsible to the Governor as well and this created confusion. Nor was there certainty about the purpose of the reserves. The Crown appointed trustees and attempted to lease the reserves as an endowment for Maori and use the funds to build institutions to facilitate the assimilation of Maori. In contrast the Company continued its attempts to confine Maori to the reserves. These

³⁴³ McLean diary entries 3 to 6 September 1844, McLean Papers, qMS-1194 and draft letter of McLean, 4

assumptions, policies and the subsequent confusion over authority and purpose are all evident in the case of the tenths reserves at New Plymouth. The result was that no rural tenths were allocated to Te Atiawa in Taranaki and the administration of the town and suburban tenths that had been selected on their behalf was neglected.

The Company's cultural and legal assumptions had shaped its vision of assimilation. The Company's tenths and the right to the whole area claimed by the Company remained a potent assumption for Company, settlers and the Crown at New Plymouth (even when Governor FitzRoy overturned recommendations for a grant to the Company, and cancelled the tenths reserves within the Company's original surveyed claim). Similarly their own law and culture shaped Ngamotu hapu visions of their future with Pakeha. Initial expectations that they would be able to incorporate into their communities all the Pakeha who would arrive were rapidly modified in the face of the large numbers of settlers. The Company and its settlers had very different expectations about who would control the allocation of land and about how the two communities would live together, and these conflicting visions resulted in mounting tensions in the province.

In the FitzRoy agreement of 1844 Te Atiawa sought to divide the land at New Plymouth between themselves and the settlers, and to permanently limit British settlement. Thus Ngamotu continued to seek ways of accommodating Pakeha on the basis of the kind of mutually beneficial relationships they had originally envisaged, and to continue to regulate that relationship on the basis of tangata whenua/manuhiri rights and obligations. In this way they hoped to obtain the benefits of trade and technology in exchange for allocating settlers a right to use land and resources.

It was in the FitzRoy block that the Crown created its first reserves for Te Atiawa. To a large extent it followed the pattern already set by the Company of intermingling settlers and Te Atiawa in an attempt to assimilate Maori. However the Crown abandoned the lottery system for the selection of sections and reserves in the FitzRoy block. Instead Te Atiawa had some input into the location of reserves. At the same time pressure from settlers was largely responsible

for a move towards aggregating the rural allocation into larger blocks. These changes marked the beginning of the evolution of a distinctive Crown Native reserve policy in the 1840s and 1850s.

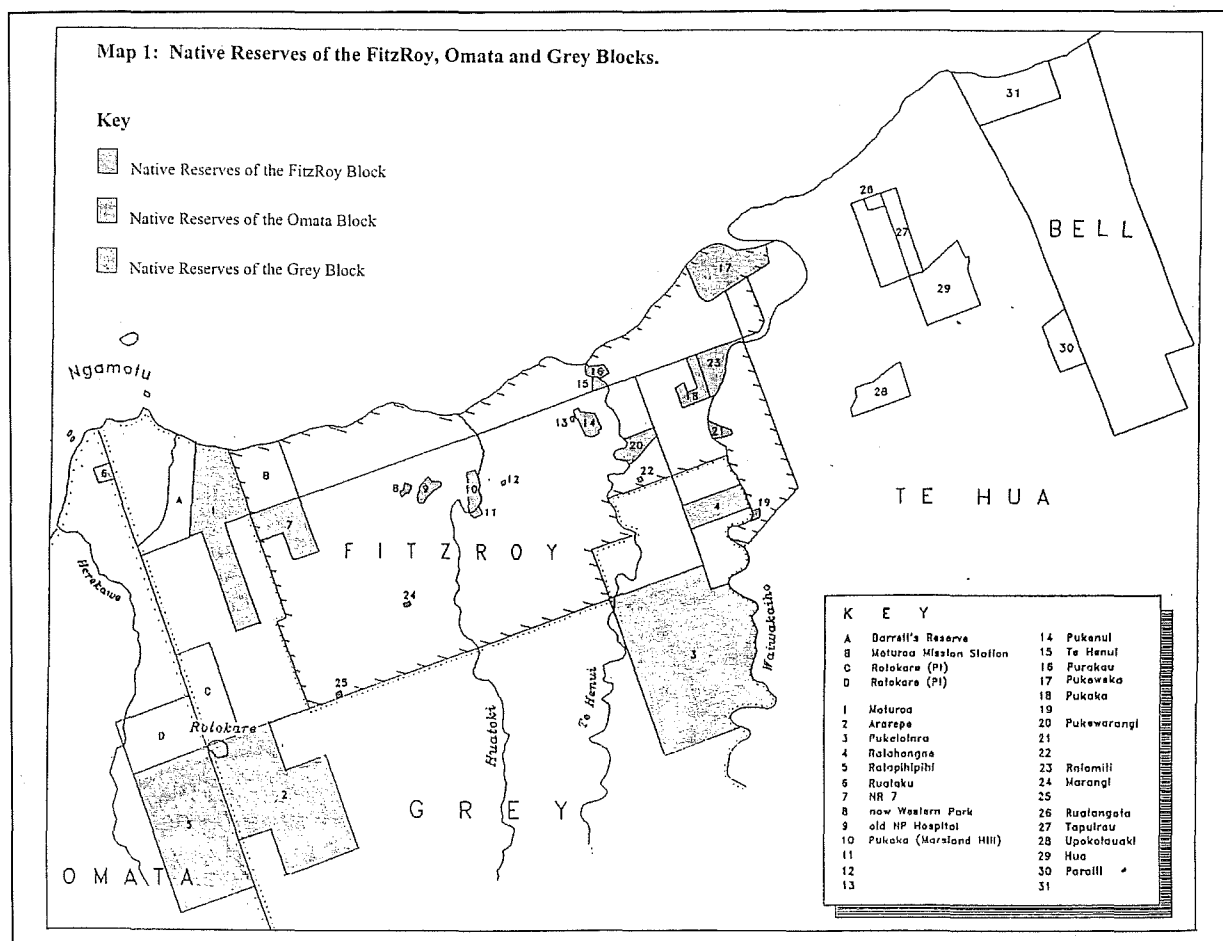


Figure 5: Map showing the Native Reserves within the Crown Purchases, Northern Taranaki, 1859 (source: Wai 143 record of documents, doc E2)

Chapter 3: Crown Native Reserves in the Omata and Grey Blocks, 1847

Introduction

The Crown created Native reserves for Taranaki Maori at the time of its purchase of the Omata and Grey blocks in 1847. These purchases from Ngamotu hapu of Te Atiawa and Taranaki iwi signalled a new level of engagement by the Crown in land settlement in Taranaki. The policies of the newly appointed Governor, George Grey, indicated that Te Atiawa would have some influence on the extent and location of the Native reserves created for them. In this context the extent of hapu influence and pressure from the Company and its settlers on Crown officials involved in the negotiation of these purchases and Native reserves are significant factors in assessing how successful Ngamotu hapu were in getting the reserves they wanted.

A comparison of the nature of the Native reserves created in these two blocks with the Company's tenths and with the Native reserves in the FitzRoy block provides a useful means of illuminating changes in the Crown's Native reserve policy and practice. These developments in policy highlight significant tensions between the intention to continue to use Native reserves as a means of assimilating Maori into settler society and local circumstances and attitudes which led to reserves that tended to marginalize Maori.

Although many Ngamotu people were involved in the negotiations surrounding the selection and survey of Native reserves in these blocks there were a variety of understandings amongst hapu about the distinction between the Native reserves and the rest of the land within the blocks. These understandings need to be viewed in terms of Maori and British concepts of land use and ownership and the ways in which settlers reinforced (or failed to reinforce) their claims to sections within the block. The inter-cultural encounters that took place over the sharing of this space highlight how these often conflicting views were resolved. Overall this examination is able to indicate to what extent Ngamotu hapu were using the Native reserves created for them. By placing this utilisation of Native reserves within the context of Ngamotu (and Te Atiawa) engagement with the capitalist economy at New Plymouth from 1847 to 1858 (when the commissioners of Native reserves were appointed) conclusions can be drawn about Ngamotu strategies for economic development. These in turn shed light on Ngamotu

aspirations for their future amongst the settlers. Similarly Crown and settler responses to this economic self-determination indicate the place that they envisaged for Maori within settler society in the district.

The Native Reserves and the Purchase of the Omata and Grey Blocks, 1847 Crown Purchasing after the FitzRoy Agreement

Although the acquisition of the FitzRoy block in 1844 was not strictly a purchase it signalled a clear intention on the part of the Crown to acquire the land within the Company's original 60,000 acre claim from Te Atiawa. The Crown and many British settlers at New Plymouth assumed that the New Zealand Company had effected a valid purchase when Te Atiawa signed the Company's 1840 deed. Therefore, they reasoned, the whole of the Company's block was available for immediate settlement by British immigrants.³⁴⁴ The Crown regarded the Native title over the Company's block as having already been extinguished. Therefore, it considered all that was required to take possession of the block was the payment of 'compensation' to Maori who had not received payment from the Company.

Grey made his plans to acquire the remainder of the Company's block known to Maori at a meeting with Ngamotu hapu at New Plymouth on 1 March 1847 and at another meeting with Puketapu hapu the following day. At first Te Atiawa from Ngamotu, Huatoki and Waiwakaiho; Puketapu hapu resident in Taranaki; and those who had arrived by steamer from Wellington for the meeting with the Governor, steadfastly proclaimed their position regarding the expansion of settlement: that settlers remain confined to the FitzRoy block.³⁴⁵ However, it appears that Puketapu hapu took a harder line on this settlement policy, and backed their support for the FitzRoy agreement by actions that appeared hostile towards settlers.³⁴⁶ Despite Grey's angry threats that unless Puketapu accepted 'compensation' for their interests he would acknowledge the rights of Waikato to the land, Puketapu hapu walked away from the

³⁴⁴ Grey to the Secretary of State, 2 March 1847, AJHR, 1861, Taranaki, C-1, No. 15, pp 181-182.

³⁴⁵ Taranaki: From our correspondent, 5 March 1847 in the *Nelson Examiner*, 13 March 1847. Te Atiawa at Wellington had been active in supporting those at Taranaki in maintaining the stand they had made in their agreement with FitzRoy in 1844. In 1846 the Company's Agent at New Plymouth reported that, "Letters have been received from the Wellington chiefs urging the Natives here not to abandon their hold on Mr Spain's Block." (Wicksteed to Wakefield, 5 February 1846, NZC 105/5, No. 4/46 enclosed in January Report, ANZ, Wellington).

³⁴⁶ They issued warnings to Josiah Flight, Benjamin Wells and John George Cooke who remained on Puketapu land, to move into the FitzRoy block (Draft letter of McLean to the Governor, n/d [c. March 1847], McLean Papers, qMS-1205, ATL, Wellington).

meeting "without any change of mind."³⁴⁷ This left the Governor negotiating with Ngamotu hapu for further land for settlement.³⁴⁸

Given the firm resistance of Ngamotu hapu to giving up any further land for British settlement, their offer of land beyond the FitzRoy block is at first sight extremely puzzling. It was reported the day after their public meeting with Grey that Ngamotu people "after many inquiries ... came over to [sic] Governor's views and surrendered all their land between Sugar Loaves and Waiwakaiho."³⁴⁹ Another version of events simply stated that Ngamotu people met with the Governor and "gave up all their claims to land."³⁵⁰ Further investigation suggests that this offer was prompted by practical, political, economic and social considerations and marked a significant point in the adjustment of these hapu to British settlement on their lands at New Plymouth. This new agreement with the Crown was a political compact through which Ngamotu attempted to cement their existing relationship with the settlers, and with the new Governor, against possible competition from other hapu returning to the district.³⁵¹ The agreement; the relationships it affirmed; the purchase money and the land they were to retain as Native reserves all promised to continue the economic and social benefits of western goods, culture and technology which had already been experienced through participation in the developing capitalist economy of the district.

With the Ngamotu offer on the table, Governor Grey left the district instructing the inspector of police, Donald McLean, to complete the purchase.³⁵² McLean was instructed that "every effort should be made to acquire for the European population those tracts of land which were

³⁴⁷ Draft letter of McLean to the Governor, n/d [c. March 1847], McLean Papers, qMS-1205, ATL, Wellington. The argument that Te Atiawa who had left Taranaki before the Company's transactions had lost their right to the land through conquest by Waikato was one which had been influential in Spain's 1844 decision to recommend that the Company's Ngamotu deed be confirmed. For the Waitangi Tribunal's analysis of this argument see *The Taranaki Report*, 1996, pp 31 – 34, 36 – 37.

³⁴⁸ Grey to McLean, 5 March 1847, AJHR, 1861, Taranaki, C-1, No. 17, p 184.

³⁴⁹ Taranaki: From our correspondent, 5 March 1847, in the *Nelson Examiner*, 13 March 1847.

³⁵⁰ Journal of H H Turton published in the *Taranaki Herald*, 5 September 1855.

³⁵¹ The Waitara rangatira, Wiremu Kingi Rangitake, led a heke of nearly 600 Te Atiawa on a return to Waitara, they left Waikanae on 17 April 1848 and reached Waitara on 16 November 1848 (Ann Parsonson, 'Nga Whenua Tautohetohe o Taranaki: Land and Conflict in Taranaki, 1839 – 1859' revision of report No. 1 to the Waitangi Tribunal: 'The Purchases of Maori Land in Taranaki, 1839 – 1859', commissioned by the Waitangi Tribunal, Wellington, 1991, pp 92 – 92 also see Gore-Browne to the Duke of Newcastle, 4 December 1860, BPP, Vol. 12, pp 181 – 182).

³⁵² Donald McLean had formerly held the position of District Protector of Aborigines (Parsonson, 1991, p 73).

awarded to the New Zealand Company by Mr Spain ... if possible, the total amount of land resumed for the Europeans should be from 60, 000 to 70, 000 acres."³⁵³ The Government would then issue a Crown grant to the Company for the blocks acquired. McLean was to begin negotiations immediately "with those parties who have given their assent to it [these arrangements], including the Natives who have offered a tract of land for sale to the south of the Sugar Loaves."³⁵⁴ This acknowledges not only the Ngamotu offer for what would become the Grey block but also an offer from Taranaki iwi to purchase the area which become known as the Omata block. It was clearly Grey's intention that McLean make Native reserves in the blocks acquired. Grey stated that he planned to reserve "to the several tribes who claim land in this district tracts which will ample suffice for their present and future wants" and instructed McLean to be sure to take account of the acres he reserved and to ensure that land of equal (or greater) extent was purchased outside the limits of the Company's claim to compensate.³⁵⁵ McLean was to pay no more than one shilling six pences per acre, and the purchase money was to be paid to Maori in annual installments over three or four years.³⁵⁶

The Omata Purchase, August 1847

The Omata purchase was rapidly concluded with the signing of a deed between the Crown and the Taranaki iwi (whose interests predominated over those of Ngamotu hapu of Te Atiawa in this purchase) on 30 August 1847. The block, containing 12,000 acres, was purchased for £400 to be paid in three annual installments.³⁵⁷ The boundaries of the Omata block are shown in Figure 4. The most pressing concerns of those who were party to this agreement were not relationships with the settlers but rather inter-iwi relationships. Therefore this agreement became a new means for the iwi to achieve their political ends in tribal struggles for mana and resources. In April 1847, McLean reported

³⁵³ Instructions from Grey to McLean, 5 March 1847, AJHR, 1861, Taranaki, C-1, No. 17, p 184.

³⁵⁴ Ibid.

³⁵⁵ Ibid.

³⁵⁶ Ibid.

This purchase price was extremely low given that the market rate for town and suburban land at New Plymouth in May 1846 was £2.5.0 per acre and even rural land was fetching £1.5.0 per acre (Wells, 1878, p 138).

³⁵⁷ Deeds - No. 7, Omata Block, Omata District, 30 August 1847, *Turton's Deeds*, Taranaki Province.

that they were desirous the Europeans should at once possess the country from Tapuwai to the town so that the Puketapu tribe who continue their deadly enemies should be driven from there in consequence that they were squatters on the land and that they should not retain it any longer.³⁵⁸

What this makes clear is that the iwi and hapu involved perceived the purchase as a means of ridding their land of Puketapu hapu (who had been occupying part of it) by installing settlers on the land instead.³⁵⁹

Native Reserves in the Omata Block

No specific Native reserves were named in the Omata deed nor was there any clause promising that Native reserves would be created. McLean reported that the sellers made no requests for reserves.³⁶⁰ According to McLean this was because the Taranaki iwi were "large possessors of land."³⁶¹ But the month after the Omata deed was signed McLean proposed, subject to the Governor's approval, "that one [reserve] of five or six hundred acres for the use of the Natives generally, should be laid out, in order to make ample provision for them."³⁶² If fact two reserves were made in this block: Ratapihipihi Native Reserve No. 5 (371 acres) and Ruataku Native Reserve No. 6 (10 acres), so the total land reserved was substantially less than McLean originally proposed. That Ruataku contains burial places strongly suggests that signatories to the purchase deed did make a request some time after September 1847 to have the area reserved.³⁶³ These reserves are shown in Figures 4 and 5.

McLean's later decision to make reserves in the Omata block was related to the block's position outside the Company's original claim. Because the land lay south of New Plymouth outside the Company's 1840 block the immediate pressure on McLean from the Company and its settlers to acquire the block was considerably lessened. So it is unlikely, unless the sellers pushed for them, that the Crown would have felt it necessary to offer to make reserves in the Omata block in order to conclude this purchase. However, it seems that McLean regarded

³⁵⁸ McLean diary entry Monday 19 April 1847, McLean, D, Diaries, box 1, ATL, Wellington.

³⁵⁹ It appears that McLean rather missed this point: the willingness of the Taranaki iwi to part with the land appears to have been interpreted by McLean as a sign that they were "favourably disposed towards the Europeans." (McLean to Captain Henry King, 17 April 1847, MA-MLP-NP 1, No. 47/6, ANZ, Wellington).

³⁶⁰ Deeds - No. 7, Omata Block, Omata District, 30 August 1847 in *Turton's Deeds*, Province of Taranaki.

³⁶¹ McLean to the Colonial Secretary, 13 September 1847, IA 1/74, CS 47/1801, ANZ, Wellington.

³⁶² *Ibid.*

³⁶³ Research file 'Ruataku', Te Atiawa Tribal Council, New Plymouth.

these reserves as a 'safety valve' to relieve pressure on land within the Company's block. He hoped that these reserves set aside for the general use of Maori (not specific hapu as in the later Grey purchase) would absorb a large number of resident Maori and those who threatened to return from the Wellington region.³⁶⁴ This would "obviate to some extent the difficulty of making large reserves within the surveyed and chosen limits of the Company."³⁶⁵ Politically it was wise for the Crown to appear generous in its provision for Maori in the hope of encouraging those resisting the sale of their coveted lands north of the Waiwakaiho to make offers of land.

The Grey Purchase, October 1847

The successful conclusion of the Grey purchase from Ngamotu hapu depended upon the provision of Native reserves that were acceptable to the hapu and to the Company and its settlers. Ngamotu hapu had very definite ideas about the position and extent of the reserves that they wanted within the Grey block. This put McLean under considerable pressure to make the reserves requested or face the prospect of negotiations for the purchase breaking down.³⁶⁶ Ngamotu hapu refused to allow the survey of the block until the reserves had been finalised.³⁶⁷ To ensure that their agreement over reserves was honoured people from Ngamotu hapu accompanied the surveyor Edwin Harris as he cut the boundaries of the reserves "and were thus on the spot to protest if their wishes were not met."³⁶⁸

These pressures led McLean to consistently characterise the Ngamotu hapu position regarding reserves as extreme. Soon after he began negotiations he reported that "it is with difficulty I have succeeded in obtaining land from the Ngamotu tribe of sufficient extent to make permanent provision for Natives and meet the wants of the Europeans."³⁶⁹ McLean claimed that this was because of "the extravagant and urgent claims of the Natives on the one hand

³⁶⁴ He may have been making reserves for Maori generally so as to accommodate both Taranaki and Te Atiawa iwi returning to the province, or he may simply have been following the practice of the Company whose tenths reserves were not allocated to specific hapu or communities.

³⁶⁵ McLean to the Colonial Secretary, 13 September 1847, IA 1/74, CS 47/1801, ANZ, Wellington.

³⁶⁶ Wells, 1878, p 142.

³⁶⁷ McLean reported that Te Atiawa living in town, were "most difficult to please in the reserve proposed for them and even wished to prevent the survey from going on till all their wants were acceded to." (Draft of letter McLean, 15 April 1847, McLean Papers, qMS-1205, ATL, Wellington).

³⁶⁸ Harris to the Colonial Secretary, 9 August 1847, IA 1/74, 47/1589, ANZ, Wellington.

³⁶⁹ Draft letter of McLean to Grey, 18 June 1847, McLean Papers, qMS-1205, ATL, Wellington.

and the various interests of resident and absentee proprietors within the surveyed limits of the Company on the other."³⁷⁰ He went on to state that his "greatest difficulty has been in making the Native reserves."³⁷¹ Overall, the hard bargaining caused McLean to conclude that his "proceedings [were] very much retarded from the faithlessness and insincerity of the Ngamotu tribe."³⁷²

At the same time McLean was under considerable pressure from the New Zealand Company and the settlers to conclude a purchase. They expected McLean to protect the 'rights' of settlers to sections that had already been selected. McLean was forced to admit that in making reserves that were acceptable to Ngamotu hapu he was "giving up a few sections chosen by settlers and absentees on which they [Te Atiawa] have cultivations as reserves for them."³⁷³ His admission demonstrates that the Company's initial survey was not erased by FitzRoy's refusal to accept the validity of the Company's claim and the subsequent laying out of the FitzRoy block. The Company's plan remained as a 'ghost grid': an unseen but potent vision of British settlement that Company officials and settlers regarded as both an ideal and a valid and enforceable definition of individually owned parcels of land.

Although Ngamotu hapu were forced to push McLean hard for the sections they wanted reserved, and in the process risk creating ill feeling towards their communities amongst government officials and settlers, the community at Moturoa was successful in having, "wakawiti" [Wakawhitiwhiti] which McLean described as "their favourite Pah" included in the reserve.³⁷⁴ However, others, men of mana, found it necessary to hold out, refusing to sign the deed of sale, until they received the land they desired to have reserved. Te Rangikapuoho (E Rangi), a chief of Ngamotu, wished to have a section on which he had cultivations reserved for him. He met with McLean who granted him the section: only then did "Erangi and some of his people" sign the deed and receive their share of the payment.³⁷⁵

³⁷⁰ Ibid.

³⁷¹ McLean to the Colonial Secretary, 29 April 1847, MA-MLP-NP 1, No. 47/6, p 46, ANZ, Wellington.

³⁷² McLean diary entry, n/d [1847], in McLean, D, Diary, Notes, Box 1, ATL, Wellington.

³⁷³ Draft letter of McLean to Grey, 18 June 1847, McLean Papers, qMS-1205, ATL, Wellington.

³⁷⁴ McLean to the Governor, 12 April 1847, McLean Papers, qMS-1205, ATL, Wellington.

³⁷⁵ McLean to the Colonial Secretary, 16 October 1847, IA 1/74, CS 47/2200, ANZ, Wellington.

The Grey purchase deed was finally signed at New Plymouth on 11 October 1847 by 28 people. The block contained 9778 acres and the total purchase price paid was £390, of which £130 was paid immediately, leaving the balance to be paid in two annual installments.³⁷⁶ The Crown justified the low level of this purchase payment by restating the old argument used by the New Zealand Company: that Native reserves provided for Maori were to be the real payment for land ceded to the Crown. That is, Maori would receive an unearned increment: the proximity of the reserves to the benefits of civilization, public works and British emigrants would cause the value of Native reserves to rise rapidly.³⁷⁷ There may have been a genuine conviction that by the time the purchase price had been fully paid, as Grey put it, "the lands reserved for the Natives will become so valuable as to yield them some income, in addition to the produce raised from those portions of them that they cultivate."³⁷⁸ However, there was also a large element of expedience in these arguments. Grey believed that he could keep the cost to the Crown nominal by buying land so far in advance of British settlement that Maori would not have had enough contact with settlers to demand anything like the market value of the land.³⁷⁹

³⁷⁶ Absentees in Wellington received part of the 1848 installment. (Deeds – No. 8, Grey Block, Grey and Bell district, 11 October 1847, *Turton's Deeds*, Taranaki province and *The Taranaki Report*, 1996, p 45).

³⁷⁷ Governor Grey to Earl Grey, 15 May 1848, BPP, Vol. 6, [1120], p 25.

³⁷⁸ Grey to McLean, 5 March 1847, AJHR, 1861, Taranaki, C-1, No. 17, p 184.

³⁷⁹ *Ibid.*

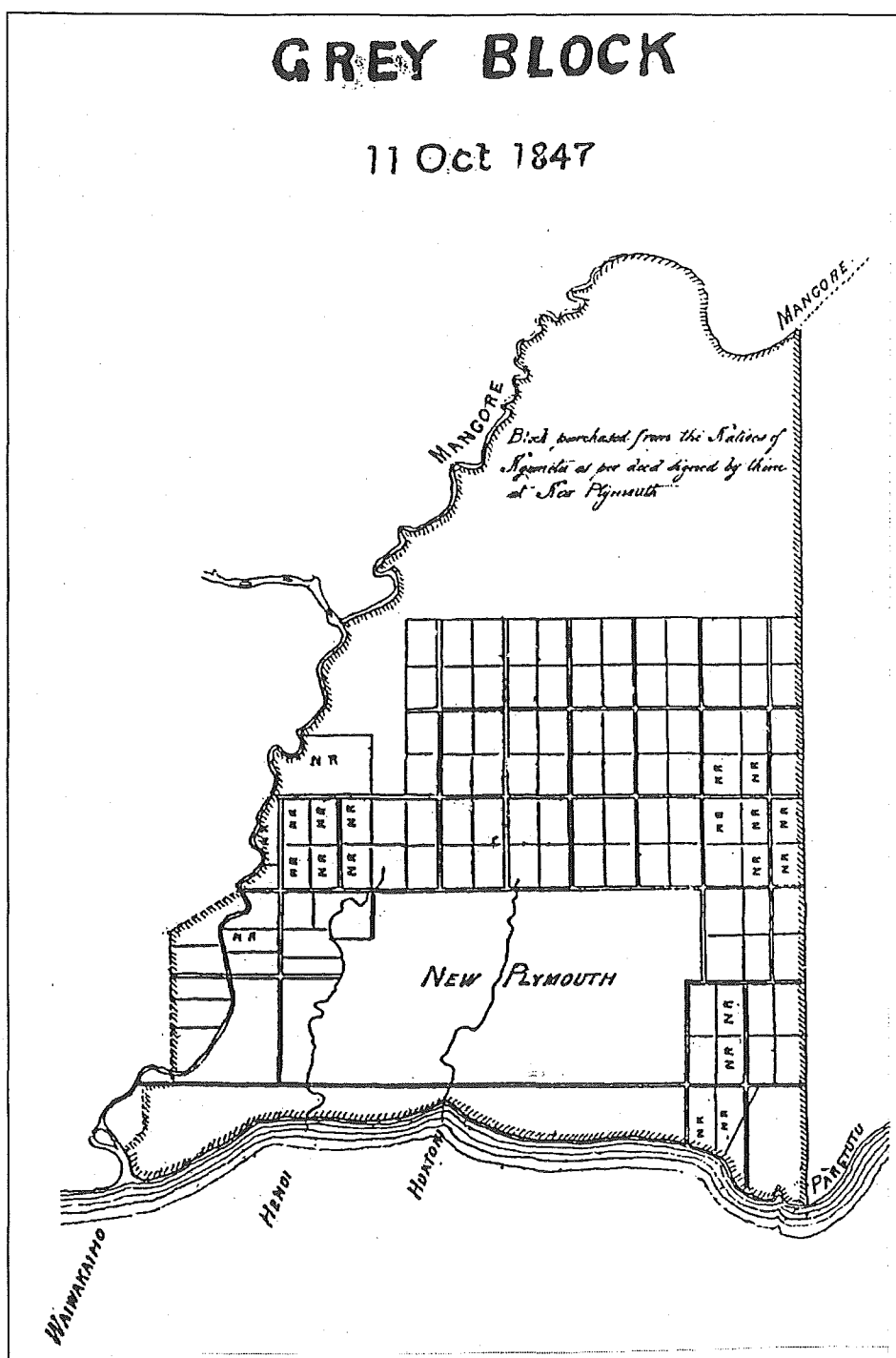


Figure 6: Map showing the sections aggregated to form Native reserves in the Grey Purchase, 1847 (these Native reserves can also be seen in Fig. 4) (source: H H Turton, *Plans of Land Purchases in the North Island of New Zealand*, Vol. II, 1878, microfilm edition, ATL, Wellington, n/d)

Native Reserves in the Grey Block, 1847

The English version of the Grey purchase deed stated that "the Governor agrees to reserve for us certain lands within the boundaries which have been herein set forth and surrendered altogether to him: that is to say which have been surveyed and agreed upon by ourselves and Mr McLean for us." It then described three reserves: 'at Moturoa' (200 acres), 'at Rotokari' (250 acres) and 'at Waiwakaiho' (460 acres).³⁸⁰ These later became known as Moturoa Native Reserve No. 1, Ararepe Native Reserve No. 2 and Puketotara Native Reserve No. 3 respectively. The surveyor, Edwin Harris, gave a description of each reserve that sheds some light on the reasons why those particular places were reserved. He noted that Moturoa Native Reserve No. 1 included "a pah", most likely Otaka pa, and Waitapu (sometimes known as Waahitapu) urupa, as well as 56 acres of "the estate claimed by the late Richard Barrett which has been cultivated and in the possession and occupation of the Natives."³⁸¹ The front portion of the reserve abutted the sea, and this would have maintained access to canoe landing places, fisheries and kaimoana reefs.³⁸² Harris reported that Ararepe Native Reserve No. 2, "at Rotokari, better known as Barrett's Lagoon, is favourably situated for the Natives, the land being well adapted for their mode of cultivation and adjacent to the Lagoon from which they are supplied with eels and other fresh water fish."³⁸³ Puketotara Native Reserve No. 3, 250 acres of which was forested and abutted the Waiwakaiho River, would have given access to a variety of traditional food resources.³⁸⁴ These Native reserves are shown in Figures 4 and 5.

McLean and Ngamotu arranged for a fourth Native reserve to be set aside in this block. This was later to be known as Ratahangae Native Reserve No. 4. The reserve consisted of a single 50 acre suburban section abutting the Waiwakaiho River seaward of the Puketotara Native reserve. Partly it was reserved because it had been set aside as one of the Company's tenth

³⁸⁰ Deeds – No. 8, Grey Block, Grey and Bell district, 11 October 1847, Taranaki province, *Turton's Deeds*.

³⁸¹ Harris to the Colonial Secretary, 9 August 1847, IA 1/74, 47/1589, ANZ, Wellington. The section originally selected by Barrett is shown as section 1 on the map in Figure 3. A comparison of Figure 3 with Figure 6 confirms that this section became part of Moturoa Native reserve No. 1.

³⁸² At the same time 120 acres were reserved especially for "Barrett's widow and children that they should have in exchange for above land at Moturoa a block of 120 acres beyond and immediately adjoining the limits of Mr. Spain's award, forming with two other sections within that award a continuous block, of which a considerable portion was cultivated by Mr Barrett" (Ibid). Rawinia Barrett was a high-ranking woman of Ngati Te Whiti. It is likely that she regarded this land not simply as her property but to be owned communally with her hapu.

³⁸³ Ibid.

³⁸⁴ Ibid.

reserves and, as McLean noted it remained occupied by Maori.³⁸⁵ However McLean also wished "to provide for absentee claimants returning from the south who might not be [illeg] to go on to the general reserves."³⁸⁶ He reasoned that if it was not needed by Te Atiawa returning to the district then "it would be convenient as [a] planting ground for Natives visiting the settlement on trading or other expeditions."³⁸⁷

The Crown's Native Reserves Policy in the Omata and Grey Blocks, 1847

Introduction

The Native reserves made by the Crown in the two 1847 purchases continued the Company's emphasis on the creation and allocation of Native reserves as a key means of containing, controlling and assimilating Maori. While these aims remained constant there were significant changes in the nature of Native reserves created to achieve these goals. Changes in the type of reserve the Crown created and allocated to Te Atiawa reflected the need for policy to adapt to the realities of how Te Atiawa communities were living in Taranaki. However, such changes also had the potential to undercut the Crown's agenda of assimilation. This potential was strengthened by a range of civic pressures exerted by settlers and by the New Zealand Company. These pressures continued to multiply and intensify as the township expanded in the 1850s and as Te Atiawa began to be perceived as a threat to the security of the settlement.

Governor Grey's Native Reserve Policy, 1847 - 1848

In March 1847 Governor Grey publicly outlined the Native reserve policy that the Crown would use in its forthcoming purchases in Taranaki. In marked contrast to the often small, scattered reserves in the FitzRoy block, these would be "large, continuous reserves."³⁸⁸ This meant that the practice of making a relatively large number of very small (one acre or less) reserves to

³⁸⁵ A comparison of the Company's suburban reserves in Figure 3 with the reserves in Grey block shown in Figure 9 shows that this section was originally set aside as a tenth reserve.

³⁸⁶ McLean's provision for absentees was most likely a response to fears of a flood of Te Atiawa returning to the province which had been sparked by the return of Wiremu Kingi and his people to Waitara in November 1848. He hoped that a reserve for them would lessen the likelihood of further claims on the Company's land, and disruption to settlers. He noted that "should this contingency not arise it would be convenient as planting ground for Natives visiting the settlement on trading or other expeditions." (Draft letter of McLean to Grey, 18 June 1847, McLean Papers, qMS-1205, ATL, Wellington).

³⁸⁷ Ibid.

³⁸⁸ Journal of H H Turton published in the *Taranaki Herald*, 5 September 1855.

protect land under cultivation at the time of the purchase was abandoned.³⁸⁹ Governor Grey emphasised that these reserves would be "for the separate families" or hapu, "one each for the people of Moturoa, the Town, Waiwakaiho, and Port Nicholson."³⁹⁰ This was an important change from the Company's tenths reserves and even from the Native reserves in the FitzRoy block, which were created for Maori in general. Whereas the Company's tenths had been selected for Maori in a lottery by Company officials these reserves would be selected by the people themselves.³⁹¹

There are signs that, even as early as 1847, the Crown was shifting away from a policy in which it was the location and size of the Native reserves that were critical to their function of assimilating Maori. Instead it was moving towards a policy in which the individualised title to the reserves was their most significant characteristic. In 1848, Grey signalled his intention to "register" the reserves as "the only admitted claims of the Natives."³⁹² This involved giving Maori "plans of these reserves ... with certified statements that they were reserved for their use, which documents are somewhat in the nature of a Crown title to the lands specified in them."³⁹³ Grey's intention, as he explained it himself, appears to have been to create a sort of intermediate title between customary title and a Crown grant, which would accustom Maori to holding land in Crown-derived title without making it appear that the Government was imposing a new form of tenure upon them.³⁹⁴

Grey's attempts to individualise the title to Native reserves in Taranaki in 1848 failed. On Grey's instructions McLean did begin issuing plans of the reserves in the FitzRoy and Grey blocks, but these did not seem to contain any certification of the reserves, although oral assurances that the reserves were secured to Te Atiawa were made. When McLean went to make the final payment for the FitzRoy block to Te Atiawa at a public meeting in October 1847, Te Atiawa asked him "whether the land reserved for them under Captain FitzRoy [sic] award

³⁸⁹ Unlike the Company 'deeds' and the FitzRoy agreement, no provisions for setting aside cultivations was made in the Omata or Grey purchase deeds.

³⁹⁰ Journal of H H Turton published in the *Taranaki Herald*, 5 September 1855.

³⁹¹ Ibid.

³⁹² Governor Grey to Earl Grey, 15 August 1848, BPP, Vol. 6, [1120], p 25.

³⁹³ Ibid.

³⁹⁴ Ibid.

should be continued for them forever."³⁹⁵ McLean assured them "individually and collectively" that the reserves were "strictly considered as their reserve and fully confirmed to them from His Excellency."³⁹⁶ Yet, this did little to clarify the exact nature of the title of Native reserves and the reserves in the FitzRoy, Omata and Grey blocks continued to be held collectively by Te Atiawa hapu until the processes of the New Zealand Native Reserves Act 1856 defined individual owners.

The Implications of Grey's Native Reserve Policy

The focus of the Crown's Native reserve policy remained on confining Maori to the reserves. As a consequence Maori were expected to move off land they were cultivating within the block acquired and locate their communities permanently and exclusively on the Native reserves. In 1848, Governor Grey indicated that the signatories to deeds of cession and their children "shall forever occupy the reserves assured to them."³⁹⁷ The surveyor Edwin Harris was responsible for conveying the Crown's policy to Te Atiawa. He had cut the boundaries of the reserves "in the presence of the Natives" and reported that he had ensured that Te Atiawa "distinctly understand that they comprise their only permanent lands within the present purchase."³⁹⁸ To facilitate the occupation of the reserves it was arranged that Te Atiawa would be given one to two years "for their final removal" from their scattered cultivations, "by which time they will have ample time to start cultivations and erect houses on the reserves."³⁹⁹ It is not clear whether this period of adjustment was something that Te Atiawa pressed for or whether the Crown proposed it, but by 1854 McLean was able to report that the reserves were "generally occupied."⁴⁰⁰

³⁹⁵ Draft letter of McLean, 10 October 1847, McLean Papers, qMS-1205, ATL, Wellington.

³⁹⁶ *Ibid.*

³⁹⁷ Governor Grey to Earl Grey, 15 August 1848, BPP, Vol. 6, [1120], p 25.

³⁹⁸ Harris to the Colonial Secretary, 9 August 1847, IA 1/74, 47/1589, ANZ, Wellington. As early as June 1847, McLean was reporting that Maori "seem to understand and enter into these arrangements some of them are preparing to establish themselves on their reserves" (Draft letter of McLean, 4 June 1847, McLean Papers, qMS-1205, ATL, Wellington).

³⁹⁹ Harris to the Colonial Secretary, 9 August 1847, IA 1/74, 47/1589, ANZ, Wellington. Also draft letter of McLean, 4 June 1847, McLean Papers, qMS-1205, ATL, Wellington.

⁴⁰⁰ Chief Commissioner to the Colonial Secretary, 29 July 1854, *Turton's Epitome*, D-41. What emerges is that there were a number of special cases brought forward by Te Atiawa at the time of the signing of the deed which led to some special arrangements being made (Draft letter of McLean, 10 October 1847, McLean Papers, qMS-1205, ATL, Wellington).

However, the reserves continued to evolve in response to the realities of settlers and Te Atiawa sharing the space around the township of New Plymouth. In particular there was a growing preference by government officials and some Te Atiawa for Native reserves with natural boundaries.⁴⁰¹ This was a response to high survey costs, and to the tensions caused by disputes over stock trespassing on cultivations. In 1852, the resident magistrate at New Plymouth reported that one of the reasons why Maori were resistant to selling their land and "admitting Europeans amongst them" was that they feared that "their cultivations would be trespassed upon by the cattle of the settlers."⁴⁰² He suggested that Maori would "feel better satisfied were reserves made for them between natural boundaries so as to prevent as far as possible any dispute between them and Europeans."⁴⁰³ A newspaper report from 1847 also acknowledged that because the reserves had been made for Maori at Nelson and Wellington "in large blocks of their own selection, with well-defined boundaries, there is less chance of future disputes arising between them and the settlers who may occupy contiguous sections."⁴⁰⁴

The allocation of reserves to hapu groups rather than to the Maori sellers as a single group did reflect a growing awareness by Crown officials that some adjustments to the actual nature and location of Maori communities in Taranaki were required. However, even Native reserves held communally by hapu remained problematic for Te Atiawa because the rights bestowed on the communities to which the particular reserve was allocated cut across original use rights. The Crown presumed these rights could be and were extinguished by the purchase but tikanga demanded that these existing rights take precedence. There was some official recognition of this problem; Governor Grey for instance admitted that Native reserves as understood by the Crown were "ill adapted to their [Maori] existing notions". He observed that "many chiefs feel a

⁴⁰¹ This practice was not unique, during the 1850s proposals were made to confine Maori settlement in the area between Bell Block and Waitara to a 700 acre reserve between the Mangaoraka and Waiongana Rivers, and to persuade Maori to settle on the north bank of the Waitara River leaving the south side for settler allotments. (McLean to the Civil Commissioner, 5 August 1852, MA-MLP-NP 1, p 143, ANZ, Wellington and C W Richmond to Parris, 6 July 1857, in *The Richmond-Atkinson Papers*, G H Scholefield (ed), 1960, Vol. 1, p 282 respectively).

⁴⁰² Flight to McLean, 31 July 1852, CS 52/99, ANZ, Wellington.

⁴⁰³ Ibid.

⁴⁰⁴ Extract from the *New Zealand Spectator & Cook Strait Guardian*, 20 March 1847, BPP, Vol. 8, (570), pp 16-17.

great repugnance to go upon lands belonging to other persons, if their reserves should be selected in such situations."⁴⁰⁵

For Te Atiawa the existing rights of hapu still living in the Wellington region to land at home contained in Native reserves also needed to be considered. Ngamotu hapu refused to take the first payment for the Grey purchase because "their absentee relatives who had written them from Wellington should be dissatisfied if they did not also participate in the payment."⁴⁰⁶ Because such notions of seemingly invisible generational rights were so alien to British cultural and legal practices Crown officials, like Governor Grey, tended to see any attempts by Te Atiawa in Wellington and elsewhere to assert such rights as simply motivated by financial gain. Grey reported that since the FitzRoy purchase:

various individuals of the Ngatiawa tribe, (which is a very numerous tribe) anxious to share in the expected payment, have been locating themselves temporarily at Taranaki; and every separate family of the tribe has been sending up some persons to look after their interest. These individuals have been quarrelling amongst themselves; regarding their respective claims; and in order that there might be much to pay for, have prevented the Europeans occupying any additional land.⁴⁰⁷

Grey was either unable or unwilling to understand that Te Atiawa then living in Wellington could have rights to land in Taranaki as well as in Wellington. During a public meeting with Te Atiawa in March 1847 Grey became indignant when a young man from Waiwhetu (in the Hutt Valley) claimed land at Taranaki when he had been 'liberally' provided for in Wellington.⁴⁰⁸

Marginalisation and Te Kawau Pa

As previously discussed the idea of larger reserves for Maori had its origins in settler pressure to be able to select adjacent sections of land. In 1842, in response to this pressure the Company had proposed that reserves should be aggregated into blocks.⁴⁰⁹ Although larger reserves held by communities were likely to be economically more viable for Maori, they were to some extent an even poorer match for the way in which Maori had traditionally held use

⁴⁰⁵ 'Memorandum on the Native Reserves at Wellington by Governor Grey', 14 September 1866, *Turton's Epitome*, D-16.

⁴⁰⁶ Donald McLean diary entry, n/d [1847], in McLean, D, *Diary*, Box 1, ATL, Wellington.

⁴⁰⁷ Grey to the Secretary of State, 2 March 1847, AJHR, 1861, Taranaki, C-1, No. 15, p 183.

⁴⁰⁸ Governor Grey to Earl Grey, 4 March 1847, *Turton's Epitome*, Taranaki, A-2, No. 9.

⁴⁰⁹ Extract from a letter from Wakefield to Wicksteed, 10 October 1842, BPP, Vol. 2, p 379.

rights. Small, scattered reserves did in some ways mirror the scattered nature of use rights within a rohe. Therefore, there may have been some reluctance amongst Te Atiawa to abandon the pattern of scattered reserves in favour of larger blocks. McLean noted that at Moturoa there was a division of opinion amongst the people, some "wished to have lands here and there and everywhere and others of them, I think the majority, desired to have a continuous block right into the bush."⁴¹⁰

One of the consequences of the aggregating of reserves into larger blocks was that more of them were located on suburban and rural land at some distance from the town of New Plymouth itself. This aggregation is shown clearly in Figure 6. Larger reserves on suburban and rural sections threatened to spatially marginalize Maori from British settlements. Once the Crown abandoned its practice of making small reserves scattered amongst settler sections the marginalisation of Maori through the provision of larger reserves threatened to undermine the Crown's assimilation agenda. It appears that by 1851, after the Grey block reserves had been created and settled by Maori, the Maori presence in the township itself was reduced. H R Richmond commented in 1851 that "we see very few of them [Maori] about the town, although there is a pah close by." Instead many were "employed in agricultural operations" by settlers in the rural area around the settlement.⁴¹¹

There were both practical and ideological reasons for locating reserves on the fringe of the British settlement. From a practical perspective it was impossible for the Crown to allocate town sections as Native reserves in the Grey purchase simply because all the town land had already been included in the FitzRoy block in 1844. The sections in that block which had not been reserved for Te Atiawa had been handed over to the Company to dispose of to settlers. Ideologically there were strong pressures on government officials from the Company and its settlers to keep Native reserves at a distance from the town so that they would not interfere with settlement. McLean was careful to reassure Grey that the pieces of land selected as

⁴¹⁰ McLean to the Governor, n/d, qMS-1205, ATL, Wellington.

⁴¹¹ H R Richmond to C W Richmond, 20 April 1851, in *The Richmond-Atkinson Papers*, G H Scholefield (ed), 1960, Vol. 1, p 93.

reserves were "in such situations as are least likely to interfere with the settlers", and that "all of them [are] removed as far as practicable from lands chosen by settlers."⁴¹²

The aggregation of reserve land into larger blocks and the very small number and extent of town sections set aside as reserves for Te Atiawa in the 1844 FitzRoy agreement both resulted in the marginalisation of Te Atiawa communities. In turn these policies were compounded by the unease of settlers in New Plymouth about the 'savage other' in their midst. This unease found expression in attempts to remove Te Kawau Pa and its Maori inhabitants from the New Plymouth Township. Te Kawau Pa was located at the mouth of the Huatoki Stream, opposite the ancient pa and urupa of Pukeariki (appropriated as a signal station).⁴¹³ By the mid-1850s it was a populous pa, with a Methodist chapel and a wooden house which was used by iwi for accommodation when they came into town.⁴¹⁴ (See the painting and photography showing the Pa in this period in Figures 12 and 13). Its establishment was the result of an earlier initiative by the New Zealand Company to clear the area it laid out as a township of Maori settlement. Te Kawau Pa was not a numbered Native reserve, but in 1844 it was agreed that Te Atiawa would have the land on which the pa was built in exchange for a number of places that they had inhabited in the Huatoki valley.⁴¹⁵

In general the settler community at New Plymouth found Te Kawau pa repugnant to its early Victorian values and cultural practices. Such distaste was evidence of an inherent tension between notions of assimilation and the early Victorian humanitarian beliefs that underpinned such notions. These humanitarian ideals helped British colonists make sense of their relationship with indigenous people and they were a key means by which they attempted to

⁴¹² Draft letter of McLean to Grey, 18 June 1847, McLean Papers, qMS-1205, ATL, Wellington. A similar agreement was made in the Omata purchase, McLean reported that the completion of the payment was to be on the condition "that within that time they will [the sellers] abandon all their claims and cultivations thereon to which proposed condition there is every probability of them acceding."

⁴¹³ It appears that the Huatoki valley, around which the town of New Plymouth was laid out, was an area particularly favoured by Te Atiawa. An 1844 census by the Protector of Aborigines for Taranaki, Donald McLean, shows that out of a total Maori population of 140 men, women and children living between Paritutu and Waiwakaiho, 84 (60 percent) were living in the Huatoki area (Census of the Native Population at Moturoa, Huatoki and Waiwakaiho on the 17th of October 1844, qMS-1192, p 8, ATL, Wellington). Pukeariki is shown renamed as Mount Elliot on a plan 'Town of New Plymouth', signed by Octavius Carrington (surveyor) the 22 March 1859 (MapColl 832.295bje/1859/Acc.23000, ATL, Wellington).

⁴¹⁴ McLean to Cooper, 10 August 1854, MA 24/16, ANZ, Wellington.

position Maori in relation to themselves. In particular the settlers "affirmed and recreated their own identity" as belonging to a society with "a superior culture and commercial mode of subsistence."⁴¹⁶

However, one of the consequences of these beliefs was that they enabled the colonizers to construct Maori as the savage 'other' while at the same time considering them as fellow human beings who they had a responsibility to assist to raise up the ladder of civilisation. The picture of 'savagery' as the childhood of all civilizations presented by the stadial model was inherently ambivalent and as a result encounters with indigenous people could provoke various conflicting reactions in the colonists: "like a photograph album of one's juvenile years it could excite nostalgia and romanticism, but also embarrassment and rejection."⁴¹⁷ Given these tensions within the prevailing ideologies shaping attitudes towards Maori it is unsurprising that the Crown and settlers at New Plymouth attempted both to marginalize and assimilate Te Atiawa.

Some settlers publicly expressed their rejection of the Maori community at Te Kawau. In one incident in 1852, McLean recorded that Maori from Te Kawau pa had come to him to report that "they have been prevented erecting chimnies [sic] and making other improvements."⁴¹⁸ Some of the settlers had informed them that "the Governor would not allow them to occupy the pa as they had no right to the site, and that they would shortly be deprived of it."⁴¹⁹ There were also complaints regarding a "slaughter-house" on "the Kawau Reserve" in 1855, and a newspaper editorial from 1859 complained that the township would never be improved "while public cemeteries, tanneries, piggeries, and that emporium of filth, the Maori pa, exist in the heart of the town."⁴²⁰ Newspaper comments from 1858 indicate some level of settler hostility to the pa on the grounds of the fire risk. The editor of the *Taranaki Herald* argued that any laws

⁴¹⁵ In 1852, McLean explained that the land "was given to the Natives in exchange for town land they occupied by Mr Wicksteed's permission when acting as New Zealand Company's agent" (Ibid).

⁴¹⁶ Maloney, 2001, p 153.

⁴¹⁷ Ibid, p 158.

⁴¹⁸ McLean to Cooper, 10 August 1854, MA 24/16, ANZ, Wellington.

⁴¹⁹ Ibid.

⁴²⁰ District Commissioner Halse, 9 September 1855, 55/C9 in MA 2/3, ANZ, Wellington and the *Taranaki Herald*, Editorial 2 July 1859 respectively. Similar complaints were made by settlers in Nelson regarding the Maori hostelrys in that township ('Report from Commissioners at Nelson', 2 June 1858, AJHR, 1858, E-4, p 2).

passed as a "precaution against fire which may be insisted upon amongst ourselves must be to a great extent nullified if the Maories [sic] are to continue to be exempt from the operation of so salutary a law."⁴²¹ He urged that Maori be required to replace all their raupo buildings with wooden ones, or what would "be more preferable, their pa would be removed to some spot where it could no longer endanger our principal town buildings." This, he argued, would be "highly expedient" "if for sanitary reasons only."⁴²² However, the provincial council was unable to apply its Thatch and Straw Buildings Ordinance to Maori settlements because of restrictions in the New Zealand Constitution Act 1852.⁴²³

Ideological unease and civic concerns were mingled with a pragmatic competition between settler and Te Atiawa communities because the site of the pa was both commercially valuable and symbolic of who held the power and authority over the township. In 1859, J C Richmond, then the Taranaki provincial secretary, suggested privately that if the iron sand industry ever become established and viable, and the "government's relations with W[i]remu Kingi and other foreign powers [allowed for] the extension of the place [New Plymouth]" then "it would well repay the corporation of New Plymouth to buy the Kawau pa and occupy the two acres of sand between it, the sea and the Huatoki."⁴²⁴ John Whiteley, the Wesleyan missionary at New Plymouth, commented that when he had moved permanently to the province in 1857, he "was sorry to find a Native pa in the middle of the town, that pa stretching right across Currie Street and occupying a considerable portion of Gill Street." He considered that such a locality was "so very objectionable in every respect as a residence for Natives."⁴²⁵ It is likely that Whiteley was implying both that the pa was taking up a prime position in the township and that it was

⁴²¹ The *Taranaki Herald*, Editorial 2 October 1858.

⁴²² Ibid, This was a reference to the Thatch and Straw Buildings Ordinance 1858, *The Ordinances of the Province of Taranaki (formerly New Plymouth), Session I, 1853-54 to Session XIV, 1865-66, to which are added the Land Regulations of the Province and the Imperial Acts, relating to the Constitution of New Zealand*, printed under the authority of the government of the province of Taranaki, by G W Woon, New Plymouth, 1867, p 130.

⁴²³ Provincial councils were specifically prohibited from passing any legislation "affecting lands of the Crown, or lands to which the title of the aboriginal Native owners has never been extinguished" (The New Zealand Constitution Act 1852, 15 & 16 Victoria, c.72 Chapter LXXII, 30 June 1852 in *The Statutes of the United Kingdom of Great Britain and Ireland: with notes, references and an index, A.D. 1852*, pp 356-371, s. 19).

⁴²⁴ *The Dictionary of New Zealand Biography*, Vol. 1 (1769-1869), 1990, p 366 and J C Richmond to C W Richmond, 22 December 1859, in *The Richmond-Atkinson Papers*, G H Scholefield (ed), 1960, Vol. 1, pp 504-505. The first attempts to smelt the black iron sand at New Plymouth were made in 1848 and attempts persisted until 1901 but the venture proved uneconomic (Tullet, 1981, pp 57-58).

⁴²⁵ Whiteley to Charles Brown, 20 February, IA 1/1865/2334, ANZ, Wellington.

undesirable for a large community of Maori to be located in the heart of the British settlement.⁴²⁶

Te Atiawa Understandings of the Native Reserve Policy

Evidence suggests that Te Atiawa understandings of the reserve scheme in the Omata and Grey blocks were decidedly mixed. In particular the distinction between Native reserves and other land within the blocks they had sold to the Crown remained unclear for many Te Atiawa people. The cultural framework within which Te Atiawa interpreted the agreements they entered with the Company and Crown most likely led them to believe that they had simply allocated the newcomers a set of use rights which would sit alongside but not subsume their own patterns of use. The idea that their use rights would be confined to particular surveyed parcels of land, and that each settler would have exclusive rights to their own sections remained, for Te Atiawa, a profoundly alien way of organizing land use. In any case, with little in the way of fences and dwellings in many parts of these blocks, the distinction between reserves and settler sections would have been difficult to grasp.

Given these cultural and physical realities it is unsurprising that Te Atiawa individuals continued to use land outside the reserves. In April 1847, McLean wrote to Mrs Creagh apologising for 'old Erangi' cultivating so close to her section and promising that he would induce him to leave altogether.⁴²⁷ In November 1852, William Billing complained that a party of Maori had been squatting on his 50 acres for nearly two years and that his numerous attempts to get local officials to remove them had failed.⁴²⁸ It appears that this was not an uncommon pattern. In Wellington in January 1847, it was estimated of the 639 acres and 2 perches of Maori cultivations in the district, the majority (528 acres, 1 rood and 12 perches) were on sections belonging to settlers, while only 25 acres 1 rood and 30 perches were on Native reserves.⁴²⁹ In 1852, this practice was still widespread enough for the inspector of police at New Plymouth to discuss it in a report to the Colonial Secretary. He noted that persuasion

⁴²⁶ The effect of military pressures on the alienation of the pa will be discussed in chapter 7. Tau notes the role that the lack of Native reserves in Christchurch itself played in marginalising Ngai Tahu (Tau, 'Ngai Tahu - From 'Better Be Dead and out of the Way', 2000, p 223).

⁴²⁷ McLean to Mrs Creagh, 22 April 1847, McLean, qMS-1205, ATL, Wellington.

⁴²⁸ William Billing to the Editor on 15 November 1852, the *Taranaki Herald*, 17 November 1852.

alone was sometimes successful in removing Maori from sections claimed by settlers but "in many cases it has been the practice of owners of sections to give a douceur to the Natives to induce them to go off."⁴³⁰ These incidents demonstrate that it took quite some time for many Te Atiawa people to fully comprehend that Pakeha ideas about the possession and use of land differed fundamentally from their own. After land sales had been completed government officials had attempted to make it clear to Te Atiawa that the Native reserves were the only land Maori had any right to. However, it is likely that it was only when individual settlers began asserting their exclusive rights to their sections by refusing access across the land or its use for cultivations or grazing that Maori began to confine themselves to the reserves.

One of the consequences of these practical demonstrations of the new way in which land use was to be ordered was that Te Atiawa and settler began to negotiate a sharing of the land at New Plymouth. An incident at Moturoa in 1852 illustrates how the successful resolution of disputes could build positive relations between Maori and Pakeha neighbours. Mr Bayly owned sections adjoining part of Moturoa Native Reserve No. 1 and wished to erect a boundary fence between his property and the reserve. Bayly had attempted to get Ngamotu hapu to erect a portion of the fence by citing the provisions of the Fencing Ordinance, which provided for the sharing of fencing costs. When Ngamotu hapu initially refused the matter was referred to the resident magistrate and then to the Governor, who ruled that Maori should not have to pay for part of the fence because they were not "availing" themselves of the fence. In the end Poharama Te Whiti was approached by Henry Halse, inspector of police, and Poharama agreed to arrange for the men of the hapu to help construct the fence.⁴³¹ Therefore, such negotiations had the potential to end in peaceable divisions of space, and even for co-operative social and economic relationships between individual settlers and Maori. However, such encounters also had the potential for inter-cultural misunderstandings and tensions, competition for land and for the spatial marginalisation of Maori communities.

⁴²⁹ Of these 25:1:30 acres, 22:2:0 were on Town reserves and 2:3:30 at Lower Hutt and Waiwhetu ('Report on Port Nicholson Cultivations by W A McCleverty, as at 1 January 1847', BPP, Vol. 6, (892) p 39).

⁴³⁰ Cooper to Andrew Sinclair, 28 June 1852, Sinclair Papers, MS-Papers-1947, ATL, Wellington.

⁴³¹ Flight to Alfred Domett, 29 January 1852, JC-NP 53/3, p 7, ANZ, Wellington.

Utilization of Native Reserves in the FitzRoy, Omata, Grey Blocks, 1844 - 1858

The utilisation of Native reserves by the Maori communities and individuals to whom they were allocated has been largely ignored in the existing historiography. This is a consequence of historical investigations having been carried out in the context of claims to the Waitangi Tribunal. What has been considered important in that process was how the reserves were created, whether they were adequate for Maori needs and how they were alienated from Maori ownership. Yet an investigation of the ways in which Maori utilised their Native reserves is necessary if a more detailed picture of the complex three-way interaction between the political, economic and social visions and needs of Te Atiawa, the Crown and the settler community in Taranaki is to emerge. This involves further teasing out the notions of assimilation, modernity, autonomy, dependence, marginalisation, co-operation and competition held by all parties to illuminate the points of convergence, tensions, and contradictions between these visions.

Native Reserves as Sites for Ngamotu hapu Economic Activity

Ngamotu hapu developed a dual mode of utilising the Native reserves in the 'town' blocks. By living on Native reserve land, growing produce, selling and exporting that produce, hiring their labour and machinery and exchanging goods and money with other whanau, hapu and iwi Te Atiawa individuals and communities were able to participate in the capitalist and traditional Maori economies. Te Atiawa individuals and hapu also entered leases and lease-like arrangements with settlers for certain portions of these reserves. The mutually compatible desires of Ngamotu hapu for economic equality and self-determination, and of settlers for suburban land for small farms, facilitated these arrangements.

Practically and philosophically Ngamotu hapu were well placed to use the Native reserves they had been allocated in the 1840s for economic development. Economic prosperity met their needs for self-determination and material equality with the settlers as well as their desire to maintain their mana within the tribal world. They had already had the experience and material assets that would enable them to take advantage of the developing capitalist economy in Taranaki. In the 1830s they had formed a successful economic partnership with Dicky Barrett

and his whaling crew and exported and imported a range of western goods.⁴³² They maintained a land base (albeit reduced, and ultimately inadequate) in the form of Native reserves, and the hapu and its whanau formed a cohesive pool of labour to work the land. They had already established a friendly relationship with the settler community who provided a source of goods, technologies and knowledge, as well as a market for the goods and services Ngamotu hapu were able to supply. The infrastructure built by the settler community, such as roads and shipping networks, enhanced Ngamotu hapu economic opportunities. The purchase goods and cash from the transactions with the Company in 1840, the FitzRoy agreement in 1844 and the Grey purchase in 1847 provided a significant injection of capital. There is some evidence to suggest that Ngamotu hapu spent this money on stock and agricultural equipment with an eye to future economic development. On at least two occasions McLean noted that sellers receiving payment had spent the cash received on stock and agricultural equipment.⁴³³

Ngamotu hapu in particular and Te Atiawa generally, were thriving in the capitalist economy in the decade and a half between 1845 and 1860.⁴³⁴ In 1852, McLean noted that "the Natives have considerable resources of their own; their stock is increasing; they are comparatively numerous in this district."⁴³⁵ The reality was that Te Atiawa wielded significant economic power in the fledgling settlement at New Plymouth; this as much as anything confirmed for McLean that the policy of larger reserves was necessary. He reported to the Colonial Secretary that "they contribute so much to our exports and revenue that even on that head alone they have great claims to our consideration."⁴³⁶

Indeed by 1853, Te Atiawa were receiving over £2800 in payment for produce from New Plymouth's two principal mercantile firms and were expected to earn about £5000 in 1854.⁴³⁷ G

⁴³² A well researched but novelistic account of the period of trading and whaling at Ngamotu before 1833 can be found in Caughey, *The Interpretator: The Biography of Richard 'Dicky' Barrett*, 1998, pp 21 – 40.

⁴³³ McLean to the Chief Protector, 17 December 1844, *Turton's Epitome*, Taranaki, A-2, No. 4 and McLean to the Colonial Secretary, 16 October 1847, IA 1/74, CS 47/2200, ANZ, Wellington.

⁴³⁴ Elsewhere in the province, Ngati Ruanui were accumulating economic wealth, bringing their wheat and pigs to New Plymouth to sell, and engaging in wage labour to buy even more cattle (Parsonson, 1991, p 102, citing Journal of William Woon, 1830 - 59, 31 March, 26 May and 15 July 1851).

⁴³⁵ McLean to Sinclair, 12 August 1852, Sinclair Papers, MS-Papers-1947, ATL, Wellington.

⁴³⁶ Ibid.

⁴³⁷ General Report of Cooper to the Colonial Secretary, 29 April 1854, McLean Papers, MS-Papers-0032-0126, ATL, Wellington.

S Cooper, the assistant district land purchase commissioner, described "Ngatiawa" as "the richest of all the neighbouring tribes" with a population of about 1000 who between them owned 150 horses, 250 to 300 head of cattle, 40 carts, 35 ploughs, 20 pairs of harrows and 3 winnowing machines. They were also using their new wealth to build western style dwellings, Cooper reported that they had "erected 10 wooden houses, with 10 more to be started at once."⁴³⁸ Some were extending their land base by purchasing land at public auction. He noted at least two cases where Maori had brought land at public auction, or were leasing township land.⁴³⁹

The economic wealth being generated by the Ngamotu hapu was all the more impressive because by 1854 the Crown had acquired all the land belonging to them between Paritutu and Bell Block. This left only the Native reserves on which to live, support their communities and generate a surplus to sell locally or export. By 1859, the year before war broke out in the province, Te Atiawa owned numerous and diverse stock and agricultural machinery. It is clear from the places Benjamin Wells listed in his 1859 inventory of Te Atiawa communities and their assets that Ngamotu hapu were living exclusively on their reserves. The people living at Puketotara (Native Reserve No. 3) and Pukenui (Native Reserve No. 14) had 45 acres in cultivation, stocked with 17 horses, 14 pigs, serviced by 5 carts, 5 ploughs and 2 harrows. At Ararepe (Native Reserve No. 2), Ratapihipihi (Native Reserve No. 5) and Moturoa (Native Reserve No. 1) Te Atiawa had 109 acres under cultivation, owned 17 horses, 16 horned cattle and 16 pigs, as well as 14 carts, 9 ploughs and 4 harrows.⁴⁴⁰ At least some of this wealth was being fed by wages earned by individuals who hired their labour to settlers. In 1851, H R Richmond noted that many Maori "are employed in agricultural operations, clearing, driving

⁴³⁸ Ibid.

⁴³⁹ Ibid. Hone Ropiha Te Kikeu received a Crown grant for section 1445 Town of New Plymouth (0:1:1) on 9 September 1857 and Hakopa Tikerangi received a Crown grant for section 957 Town of New Plymouth (0:1:1) on 9 December 1858 ('Crown Grants Issued to Natives: New Plymouth', AJHR, 1862, E-10, p 28).

⁴⁴⁰ Wells, 1878, p 177. In 1854 Cooper had noted that Te Atiawa owned no flourmills and he speculated that the reason for this was that "it pays them better to sell their wheat in the English market." (General report of Cooper to Colonial Secretary, 29 April 1854, McLean Papers, MS-Papers-0032-0126, ATL, Wellington). However, in 1855 the people at Whareroa had raised the £200 needed to employ W Bishop, a millwright of Whaingaroa, to build a flour-mill for them (C W Richmond to W Bishop (millwright, Whaingaroa), 29 December 1855, in *The Richmond-Atkinson Papers*, G H Scholefield, (ed), 1960, Vol. 1, p 186). Whareroa was in the Tarurutangi block, adjacent to and just north of the Waiwakaiho and Hua blocks, purchased by the Crown in 1859 (Tarurutangi purchase deed in Maori, 4 January 1859, MA-MLP, 6/1, pp 146 – 150, ANZ, Wellington).

bullock carts, etc., by the settlers." They also solicited labouring work by calling from farm to farm.⁴⁴¹

These figures from 1859 seem to indicate that the Maori economy in Taranaki was robust enough to withstand the sharp economic downturn that occurred in the mid-1850s. In August 1856, John Whiteley complained to McLean that the Maori had little income to give to the church because of the failure of the produce market.⁴⁴² It appears that one of the primary reasons for this crisis in the market was the lack of demand for potatoes in Australia as the Victorian gold rush came to an end.⁴⁴³ However, the crisis does not appear to have been severe or prolonged, C W Richmond reported that "The crisis seems to be passing without commercial disaster, but trade has everywhere been very dull."⁴⁴⁴

The Leasing of Native Reserves by Ngamotu Hapu to Settlers

The other means by which Ngamotu hapu utilised the Native reserve land on the town side of the Waiwakaiho not required for kainga and cultivations was through leasing to settlers. There appears to have been a willingness on both sides to enter such arrangements. Comments by the superintendent of the province in 1856 that if Maori received individual Crown titles they "would go into partnership, I think, with the Europeans" imply that economic partnerships between Maori and settlers may have been already springing up.⁴⁴⁵ In 1854, Commissioner Cooper reported that:

many of the reserves are now and have been for several years lying totally unproductive, and a desire has recently been manifesting itself on the part of the Natives to let them to the settlers. At the present moment negotiations are pending for the leasing of some of these plots of ground, and leases have recently been executed for others, on terms of advantage to both parties.⁴⁴⁶

⁴⁴¹ H R Richmond to C W Richmond, 20 April 1851, in *The Richmond-Atkinson Papers*, G H Scholefield (ed), 1960, Vol. 1, p 93.

⁴⁴² Whiteley to McLean, 18 August 1856, McLean Papers, MS-Papers-0032-0634, ATL, Wellington.

⁴⁴³ C W Richmond to J Chamberlain, London, 16 November 1856, in *The Richmond-Atkinson Papers*, G H Scholefield (ed), 1960, Vol. 1, p 241.

⁴⁴⁴ Ibid.

⁴⁴⁵ Evidence of Charles Brown to a Board Appointed by His Excellency the Governor to Inquire into and Report upon the State of Native Affairs, 22 April 1856, BPP, Vol. 10, pp 558 - 559.

⁴⁴⁶ Cooper to Colonial Secretary, 19 June 1854, *Turton's Epitome*, D-42.

By 1858, it was reported that about 205 acres of Native reserve land had "already been let or leased by the Natives to settlers, who have been in possession for several years, the Natives receiving the rents."⁴⁴⁷ Not a great deal is known about many of these leases, but several can be identified because they became newsworthy for various reasons. Amongst these was the lease between Poharama Te Whiti and the people at Ngamotu and Richard Brown for a piece of land on the Moturoa Native Reserve for a whaling station.⁴⁴⁸ Poharama and his people also leased land at Moturoa to a settler called Loveridge (however the land was subject to a claim by the Wesleyan Mission at Ngamotu). Near the Waiwakaiho River Wiremu Te Ahoaho leased parts of Pukaka and Raiomiti Native Reserves No. 18 and No. 23 to Daniel Bishop.⁴⁴⁹

For Ngamotu hapu the quest for economic independence and self-determination did not preclude co-operation with settlers; on the contrary, such arrangements over Native reserves fitted very well with cultural notions of relationship, rights and obligations between tangata whenua and manuhiri. This pattern of co-operative economic relationships between Te Atiawa and individual settlers began in the 1840s. One example that has come to light is that of Josiah Flight, later resident magistrate and administrative officer for the Native reserves commissioners, and his business partner, William Devenish. They had bought their land north of the Waiwakaiho River from the New Zealand Company, but continued to farm it even after other settlers had been relocated onto land within the FitzRoy block in 1844. Puketapu hapu chief, Te Whaitere Katatore, in whose rohe the land was located, made it clear to government officials that he wanted the men to remain as part of his community.⁴⁵⁰ The relationship was one of mutual benefit. In return for land to farm and the protection of Katatore, Flight and Devenish "accommodated themselves to Puketapu expectations", for example, "their bullocks and cart [were] requisitioned to cart Puketapu hapu wheat, Katatore's wheat stacked in Flight's rickyard for threshing, his bread brought for baking in the oven."⁴⁵¹ It is unclear how rapidly

⁴⁴⁷ 'Report from Commissioners at New Plymouth', 26 June 1858, AJHR, 1858, E-4, p 12.

⁴⁴⁸ Draft letter of McLean, 18 June 1847, McLean Papers, qMS-1205, ATL, Wellington.

⁴⁴⁹ McLean to Turton, 6 July 1847, MA-MLP-NP 1, ANZ, Wellington, and the *Taranaki Herald*, 15 October 1859 respectively. Several other were noted in Charles Brown to McLean, 19 June 1854, MS-Papers-0032-0178, ATL, Wellington.

⁴⁵⁰ Minutes of meeting, Saturday 3 August 1844' Donald McLean papers, folder 1, ATL, Wellington.

⁴⁵¹ Ann Parsonson, 'The Fate of Maori Land Rights in Early Colonial New Zealand: The Limits of the Treaty of Waitangi and the Doctrine of Aboriginal Title', in *Law, History and Colonialism: The Reach of Empire*, Diane Kirkby and Catherine Coleborne (eds), Manchester University Press, Manchester (UK), 2001, p 180.

these types of relationships evolved into western-style commercial arrangements in which the settler tenant paid rent to the Maori owner(s). Nor is it clear whether elements of exchange or tribute in kind remained part of agreements between individual Te Atiawa and individual settlers.

Native reserves became sites where economic and social relationships between Te Atiawa and settlers were established and conducted on the basis of both traditional Maori understandings about use rights and social obligations, and British notions of leasing. To some extent these leases functioned as 'gates' through which Maori and settlers could move between 'the Maori world' and 'the settler world'. Of course Native reserves were not the only sites where this interchange occurred. In the period between 1840 and 1860, there was a significant degree of separation between the Maori world and the settler world. Each sphere occupied different physical and cultural locations in Taranaki and had its own forms of social and economic organisation, but these separate 'worlds' were also interdependent and permeable. Native reserves as 'gates' between these two 'worlds' should be considered alongside other opportunities for people to move between these spheres: in particular the constant activities of trade, of buying and selling goods and services; or the much more permanent and lasting 'infiltrations' effected by marriage and later by education and employment.

For the settlers who leased Native reserves from Te Atiawa, attitudes towards Maori and their reserves were deeply ambivalent. On the one hand, these leases were extremely useful; they offered settlers the use of highly sought after suburban fern land in the vicinity of New Plymouth. Politically, leasing from Maori was an important means for settlers to assert their rights to deal with Maori and their land against Crown pre-emption and control of the land trade. To some extent this practical and political gain, and the sometimes lasting relationships of goodwill and respect between particular settlers and particular Te Atiawa individuals, mitigated against unease about Maori as the 'savage other'.

On the other hand, New Plymouth settlers often found other manifestations of Te Atiawa economic self-determination less than convenient. For example, settlers perceived that the

convenience of Maori wage labourers in breaking in the land and expanding the British settlement was undercut by the fact that such employment was supplying Te Atiawa with an income.⁴⁵² This was a concern because it was widely believed that Maori economic independence was a threat to the supply of land that was needed to establish and expand the British settlement. With an assured income it was feared Te Atiawa would become increasingly reluctant to sell any more of their land to the Crown and/or demand higher prices before they would consent to a sale. Therefore, New Plymouth settlers put pressure on the Government and the Company to increase British immigration so that there would be a steady flow of British labourers. In this way Te Atiawa would be forced out of the labour market, and made amenable to selling land to the Crown.⁴⁵³

Obstacles to the Utilization of Native Reserves for Economic Development

Ngamotu hapu faced obstacles in realising the commercial value of Native reserves in the 'town' blocks. The Crown's attempts to intervene to stop settlers leasing Native reserves illustrates the way in which the Crown considered it necessary to cut off any regular supply of income to Maori. The Crown's primary reason for this policy was that, like New Plymouth settlers, it considered that incomes from rents would make Te Atiawa reluctant to sell further land for settlement. This agenda constrained Te Atiawa desires for long-term independence and material and social equality with the settlers. Yet despite it Te Atiawa individuals continued as landlords and a number of co-operative relationships between individual Maori and settlers flourished.

Prohibition on Leasing Native Reserves

From the inception of the colony the Crown had legislated to ensure that it had firm and exclusive control over dealings in land.⁴⁵⁴ In 1846, the Native Land Purchase Ordinance effectively prohibited settlers from purchasing, leasing or entering into similar agreements with Maori for land still in Native title (the actual wording of the Ordinance was "any Land not

⁴⁵² There was a shortage of British labour in the settlement and Te Atiawa entered the labour market to supply this shortage and by offering to work for lower rates were able to undercut settlers who hired their labour (Parsonson, 1991, p 95).

⁴⁵³ Ibid. Watson and Patterson have offered an analysis of the way in which Maori in the Wellington region were ultimately excluded from positions of control in wage labouring and marketing of goods (M K Watson and B R Patterson, 'The Growth and Subordination of the Maori Economy in the Wellington Region of New Zealand, 1840 – 1852' *Pacific Viewpoint*, Vol. 26, No. 3, 1985, pp 521 – 545).

comprised within a Grant from the Crown").⁴⁵⁵ These restrictions were re-enacted in the New Zealand Constitution Act 1852. Under section 73 of that Act no one was permitted to occupy, use, purchase or lease any land "of or belonging to, or used or occupied by them [Maori] in common as tribes or communities."⁴⁵⁶ The official reason was "that private contracts between Maori and non-Maori would endanger the peace of the Colony because of uncertainties about title and the meaning of contracts."⁴⁵⁷ In Taranaki the superintendent, Charles Brown, voiced similar concerns and added the fear that leases or arrangements made between two individuals would later, after the Māori individual had died or been "removed", be disputed by the other owners of the reserve. He argued that if the Government sanctioned leases then the provincial government would be called upon to resolve such disputes, putting it and central government in a situation where they were forced to choose between the rights of settlers and Maori.⁴⁵⁸

The Crown's most powerful reasons for prohibiting the leasing of Native reserves were the need to assert control over the economic activity of Maori and over the attempts by settlers to acquire land directly from Maori. Both were seen as a threat to the future success of the Crown's large-scale acquisition of Maori land. The leasing of Native reserves was regarded as 'the thin end of the wedge'. It was feared that if the practice was not stopped settlers would blatantly ignore the provisions of the Land Purchase Ordinance and deal in Native land directly with Maori.⁴⁵⁹ If Maori had a reliable and adequate source of income to sustain their communities and develop their economy then, it was feared, they would strongly resist selling land to the Crown. McLean reprimanded Cooper for sanctioning leases for Native reserves because:

it implicates the Government in transactions that I have strenuously opposed in all parts of the Island, and that I have successfully resisted at Auckland ... we may

⁴⁵⁴ See discussion of the establishment of the Crown in New Zealand in Chapter 2.

⁴⁵⁵ The Native Land Purchase Ordinance, 1846, *The Ordinances of the Legislative Council of New Zealand and of the Legislative Council of the Province of New Munster, 1841 – 1853*, Government Printer, Wellington, 1871.

⁴⁵⁶ The New Zealand Constitution Act 1852, s. 73.

⁴⁵⁷ Parsonson, 2001, p 177.

⁴⁵⁸ Charles Brown to McLean, 19 June 1854, McLean Papers, MS-Papers-0032-0178, ATL, Wellington.

⁴⁵⁹ *Ibid.*

abandon the idea of getting any good land in future from the Natives if we allow them to lease their reserves.⁴⁶⁰

McLean intended to block the leasing of reserves in order to force Maori to give up all land held in common in customary/Native title, and instead hold land only in individualised title. His goal was that Te Atiawa should be made to "feel the utter unavailability of land held in common that they might more fully appreciate and regard what they individually purchase with security of tenure."⁴⁶¹ The way to make customary land 'unavailable' was to extinguish its title by purchase.

Despite the Native Land Purchase Ordinance 1846 and Brown's attempt to enforce it in Taranaki, there was little the Crown could do to stop settlers and Maori entering leases for Native reserves. The needs of both Te Atiawa and settlers were met by such arrangements, and neither had any intention of giving up the economic advantages they had gained. Strictly enforcing the ordinance required that settlers with existing leases for Native reserve land surrender them, however this would have invited considerable protest from Maori and settlers. Cooper reminded McLean that "in fact the Natives would not now consent to surrendering their leases" and the surrender of leases would cause a great deal of confusion.⁴⁶² In any case the Crown's ability to enforce the ordinance was limited. After protests from missionaries worried about the status of the land that they occupied, and from the inhabitants of Auckland, Governor Grey "promised to apply the law sparingly, to punish only disreputable lessees."⁴⁶³ The ordinance specified that only the Surveyor General or specially authorised officers could bring cases to the court, and between 1846 and 1850 only three such officers were appointed in the whole country.⁴⁶⁴ The outcomes in the few cases brought before the court deterred officials from bringing further cases, and did nothing to deter settlers from entering leases for Native reserves (these cases will be discussed further in chapter 5).

⁴⁶⁰ McLean to Cooper, 12 July 1854 in McLean Letterbook, Private Correspondence, 1854 - 47, pp 1073 - 1074, ATL, Wellington.

⁴⁶¹ McLean to Charles Brown, 12 July 1854, McLean Papers, MS-Papers-0032-0178, ATL, Wellington.

⁴⁶² Cooper to McLean, 19 June 1854, McLean Papers, MS-Papers-0032-0227, ATL, Wellington.

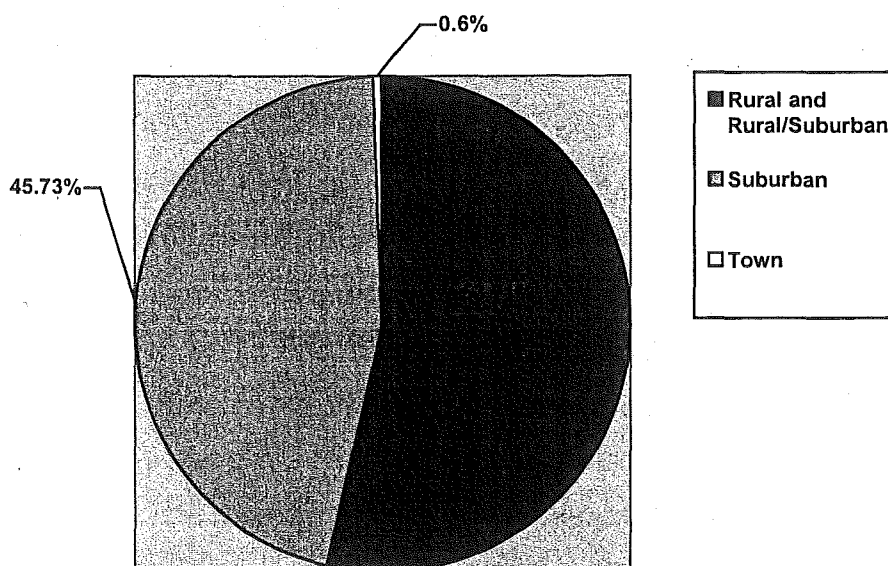
⁴⁶³ Weaver, 'The Construction of Property Rights on the Imperial Frontier: the case of the New Zealand Native Land Purchase Ordinance of 1846', in *Law, History, Colonialism: The Reach of Empire*, Diane Kirkby and Catherine Coleborne (eds), Manchester University Press, Manchester (UK), 2001, p 228.

⁴⁶⁴ One of these officers was Donald McLean, inspector of police at New Plymouth (Weaver, 2001, p 231).

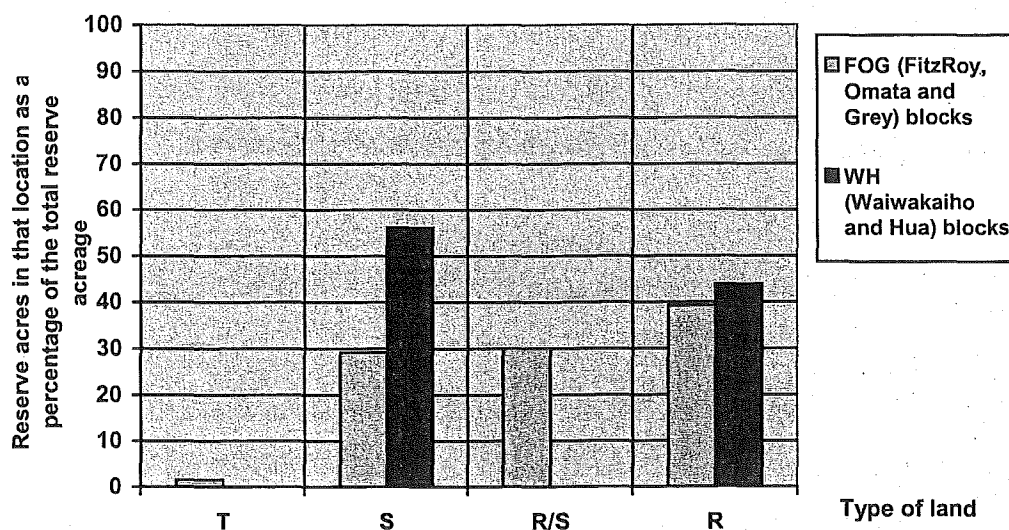
The Effect of the Location of Reserves on their Economic Viability

The potential of the Native reserves to provide an enduring economic base was also problematic. Primarily this was because the amount and quality of Native reserves allocated to Ngamotu hapu in the FitzRoy, Omata and Grey blocks that were serviced by infrastructure and within easy reach of the township of New Plymouth and its markets was strictly limited. In fact Ngamotu hapu had almost no land within the boundaries of the New Plymouth town. Of the 47 Native reserves that had been created by 1858, only six were town land. These six reserves contained only 25.76 acres. In terms of the total reserve acres allocated to Te Atiawa in the five blocks in this study, town reserve acres accounted for less than one percent (0.60 percent) of the total. The largest of these reserves was Native Reserve No. 10 that contained 10 acres. But this was a large steep hill pa of little economic use to Maori, and in any case it was taken for a military barracks in 1855. These figures are shown on graphs 1 and 2 below.

Graph 1: Pie Graph showing the Percentage of all Native Reserve Acres by Type of Land



Graph 2: Bar Graph comparing the Percentage of Native Reserve Acres by type of land in the FitzRoy, Omata and Grey Blocks and the Waiwakaiho and Hua Blocks



At first glance Ngamotu hapu communities seemed better supplied with suburban land, with 32 of the 47 reserves being comprised of suburban sections. Yet this was only 1545.30 acres which made up less than 40 percent (38.63 percent) of the total reserve acreage. This proportion fell below 30 percent (29.20 percent) in the blocks closest to the town of New Plymouth (FitzRoy, Omata and Grey blocks). These reserves too were relatively small, in the FitzRoy block which immediately surrounded the township, ranging in size from only 0.5 acres (Native Reserve No. 13) to 86 acres (Pukeweka Native Reserve No. 17). This means that Te Atiawa had been allocated only a very limited amount of land in the very location that Native reserves could most have benefited them (this can be seen on graphs 1 and 2 above).

The reality for Te Atiawa was that the majority of their reserve acres were rural land. Nearly 50 percent (47.62 percent) of the total reserve acres were rural sections (this can be seen in graphs 1 and 2 above). If we consider the Puketotara Native reserve No. 3, which was mixture of suburban/rural sections, to have the same characteristics as rural reserves in terms of: quality of land, distance from the settlement, limited access by road, and overall desirability in

the rental market this swells to about 60 percent (60.77 percent). This meant that the cards were heavily stacked against Te Atiawa because at least half of Te Atiawa reserve land was economically disadvantaged, if not economically marginal. The economic success of the Ngamotu hapu before 1860 was remarkable given how disadvantaged they were by the very small proportion of their Native reserves that were in the most desirable or economically useful locations. However, had Ngamotu hapu been allocated a more generous portion of suburban reserve land it is likely that their economic growth would have been considerably accelerated.

Conclusion

The creation and allocation of Native reserves in North Taranaki in 1847 was characterised by extensive negotiations between the Crown and hapu over purchases and reserves. These negotiations took place in a climate of pressure from settlers for more land for settlement and in particular for the recovery of the Company's original block. The Native reserves created by the Crown in the Grey and Omata purchases of 1847 continued to reflect the original intention of the Company to assimilate Maori by intermingling them with the settlers. The practices of aggregating reserves into larger blocks at a distance from sections held by settlers, and negotiating their location with Maori were firmly embedded in Crown policy by 1847. Rather than create reserves for Maori generally, reserves were created for specific Maori communities. However, Governor Grey intended that the reserves be held in a title "somewhat in the nature of a Crown grant." This was the first sign of a shift towards a policy of assimilation through the individualisation of title. Native reserves became the vanguard of the Crown's wider Native policy of individualising the title to all land held by Maori.

For their part Ngamotu hapu (and Te Atiawa generally) developed a dual mode of utilising the Native reserves to generate wealth: by occupying them and by leasing some of them to settlers. However this expression of economic independence was considered a threat to the expansion of British settlement because it was believed that if Te Atiawa had a steady income they would be reluctant to sell further land to the Crown. Therefore the Crown intervened to attempt to cut off the flow of cash from rents by making it illegal for settlers to occupy or lease Native land, and these provisions were applied to Native reserves in Taranaki. Prompted by the same fear settlers also attempted to exclude Maori from wage labouring in the province.

However these attempts were ineffectual against the leasing of Native reserves and reserves became key sites for inter-cultural economic and social relationships.

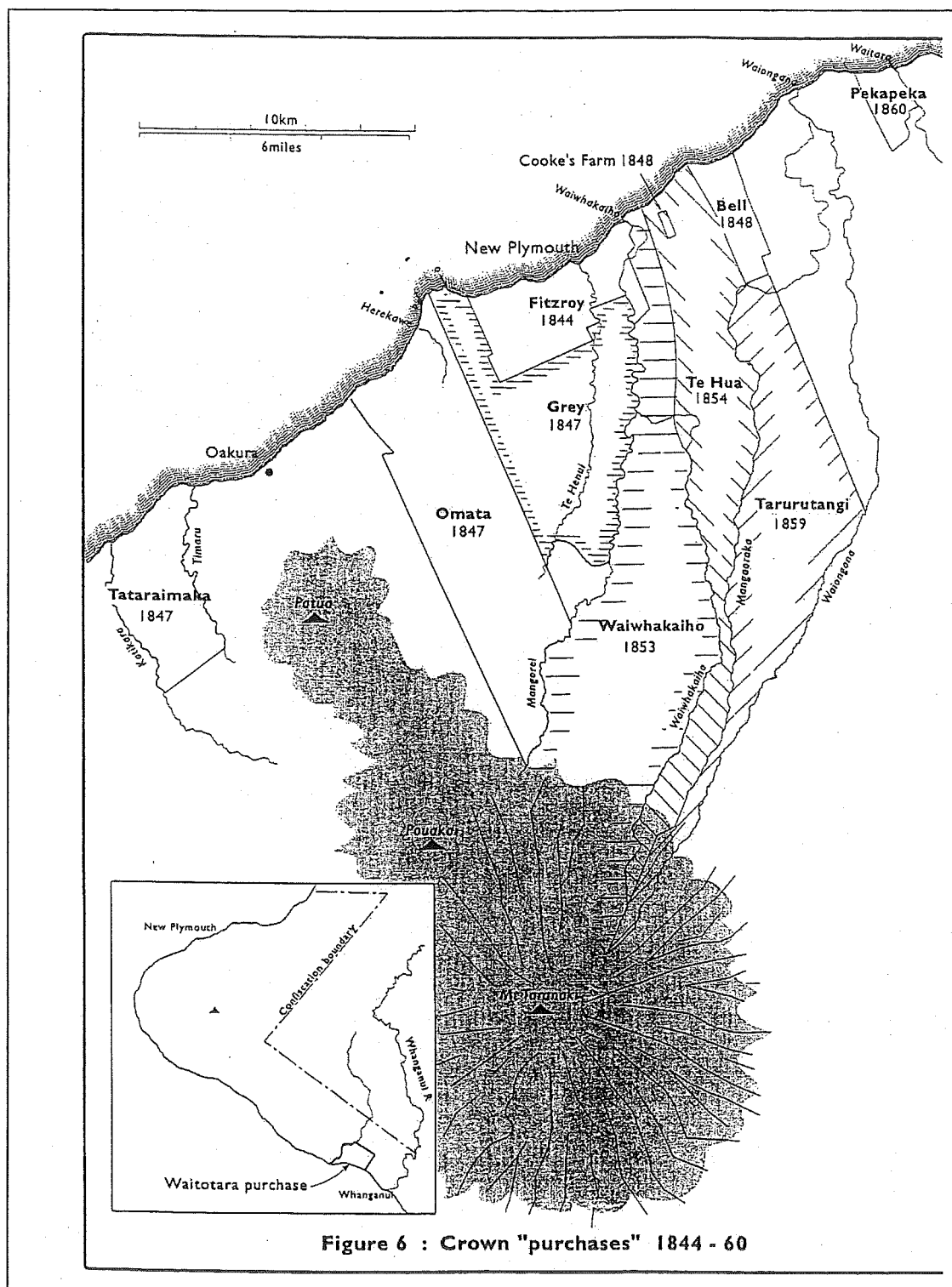


Figure 7: Map showing the boundaries of the Waiwakaiho and Hua blocks, 1853 – 1854 (source: *The Taranaki Report*, 1996, fig. 6)

Chapter 4: Crown Reserves and the Re-purchasing Scheme in the Waiwakaiho and Hua Blocks, 1853 – 1854

Introduction

Over the brief period between 1853 and 1855 the Crown attempted to fundamentally change the nature of Native reserves and the way in which they would function to assimilate Maori. The Native reserves and other land to be retained by hapu in the Waiwakaiho and Hua blocks of 1853 – 54 illustrate how this change took place. An examination of the extent to which the Crown was able to replace Native reserves created for Maori with land that Maori re-purchased from within the block and received a Crown grant for suggests that the Crown's policy and implementation were significantly shaped by hapu responses to the re-purchasing scheme. Other circumstances also require investigating in assessing the success of the Crown's new policies, in particular by Te Atiawa demands for certain land to be reserved and by the need to resolve potential conflicts between settler claims to land in the block and Te Atiawa occupation of various portions of it. The effect of these political agendas on Te Atiawa choices about the location and extent of reserved and re-purchased land highlight gaps between Crown promises, hapu expectations and the final outcome of the Native reserve allocation in these blocks. An examination of what hapu responses to the re-purchasing scheme suggest about their priorities and visions for their communities' economic and social standing in relation to the settlers at New Plymouth illustrates both the way in which hapu responses to the scheme might have been viewed by the Crown as demonstrating a desire to be 'civilised' and assimilated; and how hapu and Crown visions of the future were ultimately based on profoundly different assumptions.

Crown Purchasing in Taranaki in the early 1850s

By 1852, the politics of purchase, and consequently the politics of Native reserves allocation, were considerably more complex and more intense than they had been just a few years before in 1847. The settlers' desires remained focused on the recovery of the Company's claimed land as far north as Waitara.⁴⁶⁵ In particular, calls for the Crown to purchase more flat coastal

⁴⁶⁵ William Halse, the Company's agent in Taranaki, commented that although settlers had taken up land further south in the Omata district they had a "natural prejudice" against "any permanent diversion of capital and labour

fern land for farming from Te Atiawa became increasingly vocal when no further acquisitions of land to the north immediately followed the 1847 Omata and Grey purchases.

This pressure was driven by the reluctance to break in rough bush-clad land when fern-covered land which was flatter, more fertile, closer to the coast and required less labour and equipment to survey it and to break it in was potentially available.⁴⁶⁶ In 1849, leading figures in the settler community wrote to Governor Grey urging him to take action so that "strenuous efforts may be made, both by the Government and the New Zealand Company, to repurchase lands in this district between Waiwakaiho (the boundary of Governor FitzRoy's block) and Waitara."⁴⁶⁷ The establishment of provincial government in August 1853 in Taranaki in the wake of the passage of the New Zealand Constitution Act 1852 strengthened the power of the settler lobby.⁴⁶⁸

At the same time opposition amongst Te Atiawa to selling any further land to the Crown was strengthening. A group of Puketapu hapu people erected a 40 feet-high carved pou on the north bank of the Waiwakaiho River. McLean himself interpreted this as a measure "to prevent the Europeans from acquiring more land in that direction."⁴⁶⁹ Grey's stormy meetings with Puketapu hapu and Waitara people in 1850 where offers to sell land were made by Ihaia Kirikumara and Matiu, the brother of Wiremu Kingi, and adamantly opposed by others, strengthened the resolve of many Maori against selling their land.⁴⁷⁰ Despite this opposition

from the Waitara, and the other districts between that river [Waitara River] and the Waiwakaiho, where nearly the whole of their land was situated." (William Halse to William Fox, 13 August 1850, NZC 105/10, No. 59/50, ANZ, Wellington).

⁴⁶⁶ In January 1850, when Grey arrived in New Plymouth, William Halse, the Company's Agent "urged on him the settlement's need for land. It was true that the Company still had 15,000 acres at its disposal from previous purchases, but it was timber land, unsurveyed, and the settlers wanted open plains – and especially the land between Waiwakaiho and Waitara. This land was surveyed, there were roads, and the Waitara River would be a good trading port. (William Halse to William Fox, 21 March 1850, NZC 105/9 No. 22/50, ANZ, Wellington).

⁴⁶⁷ J Flight, G Cutfield and others to Grey, 18 July 1849, *Turton's Epitome*, Taranaki, A-2, No. 11. By December 1849, McLean reported that the settlers "are growing daily more anxious for the acquisition of land in the direction of Waitara are holding public meetings to urge the Government to commence purchasing operations there." (McLean to the Colonial Secretary, 18 December 1849, qMS-1198, ATL, Wellington).

⁴⁶⁸ Parsonson, 1991, p 120. Another public meeting was held in February 1853 to decide how best to put their case for another purchase to the Governor. The outcome was a letter to Governor Grey urging him to take action to acquire fern land "sufficient for the more pressing wants of this settlement" (Parsonson, 1991, p 105 and the *Taranaki Herald*, 2 March 1853).

⁴⁶⁹ McLean to the Colonial Secretary, 11 October 1849, MA-MLP-NP 1, ANZ, Wellington.

⁴⁷⁰ For a full account of Grey's visit see Parsonson, 1991, pp 96 – 98.

settlers continued to push the Crown to negotiate and complete another major purchase. By August 1852, McLean and his assistant land purchase commissioner, G S Cooper, were in a round of intense multiple negotiations with Puketapu hapu and others for land at Mokau, at Warea and at Mangaoraka north of Bell Block.⁴⁷¹ It was in this political 'pressure cooker' that the Waiwakaiho and Hua purchases were transacted.

The Waiwakaiho and Hua blocks and the Native reserves within them came to be treated as one block by Crown officials. Only a month after the purchases were completed Commissioner Cooper expressed the opinion that the claims of the sellers in the two blocks were "so mixed up it is necessary to view it as one purchase."⁴⁷² However, for the sake of clarity when dealing with the various arrangements made regarding Native reserves in these blocks they have been dealt with separately in this section of the chapter.

The Waiwakaiho Purchase, 1853

Both Ngamotu hapu and Puketapu hapu had interests in the Waiwakaiho block and McLean and Cooper were unable to secure a public accord from both hapu. Instead they resorted to dealing "privately and secretly" with various groups within these hapu, and making payments to them for areas within the Waiwakaiho block in order to precipitate an offer to sell a larger block.⁴⁷³ One of the outcomes of these negotiations was the signing of the Waiwakaiho deed at New Plymouth on 24 August 1853 by 315 people. The block was later estimated to contain 16,500 acres. The purchase price recorded in the deed was £1200 that was paid as a lump sum after the signatories refused to take it in installments. On 16 January 1854, Te Atiawa in the Wellington and Cook Strait regions signed a deed for land which was contained within the Waiwakaiho block (it also covered some of the area that later became the Hua block). McLean transacted the deed and the purchase price recorded on the deed was £1000, of this £800 was paid immediately with the remaining £200 to be paid by McLean on his return from Auckland.⁴⁷⁴

⁴⁷¹ Parsonson, 1991, p 106.

⁴⁷² General report of Cooper to the Colonial Secretary, 29 April 1854, McLean Papers, MS-Papers-0032-0126, ATL, Wellington.

⁴⁷³ *The Taranaki Report*, 1996, p 48. A summary of these deals, payments and offers in both the Waiwakaiho and Hua blocks can be found in *The Taranaki Report*, 1996, pp 48 – 50 and in Parsonson, 1991, pp 105 – 120.

Despite these deeds of cession not all sections of Ngamotu hapu agreed to be party to the purchases. The influential Wellington chief, Te Puni, who was connected to Ngati Te Whiti and Ngati Tawhirikura hapu signed the Waiwakaiho to Mangati deed in Wellington but sent his son, Henare Te Puni, to Taranaki to oppose the sale. By August 1852, Te Puni and his people were threatening to occupy (if not already in occupation of) "all the land between Mangaone and the sea, including te kete iwi to which only is his claim admitted, a piece altogether of I should think about 500 acres more or less of magnificent land."⁴⁷⁵ The occupation expanded and continued into the 1860s despite numerous attempts by the Crown to induce the people to agree to the purchase and accept reserves.⁴⁷⁶ The area occupied is shown on Figure 8. This protest had a significant impact upon the allocation of Native reserves in the Waiwakaiho block and on delays in surveying the reserves.

Native Reserves and the Re-purchasing Scheme in the Waiwakaiho Block

Unlike the Grey purchase in 1847, no specific Native reserves were agreed upon or surveyed before the Waiwakaiho deed was signed in August 1853. Instead the deed contained a general promise that reserves would be made. According to Lyndsay Head's translation this clause read:

Mr Cooper agrees, in accordance to our land agreement which has been sent by the Governor to him, that some places of land are to be reserved for us, for the Maori people; they are those which are immediately to be written in the colour red upon the map of the land on completion of the survey.⁴⁷⁷

Cooper subsequently created Waiwakaiho Native reserves a, A to N. It appears that these reserves were in fulfilment of this promise. The Waiwakaiho to Mangati deed signed by Te Atiawa in Wellington made no mention of Native reserves. However, as will be discussed later in this chapter, some of the Waiwakaiho reserves were allocated to individuals resident in Taranaki and their absentee relatives who were planning to return to Taranaki from the Cook

⁴⁷⁴ Deeds – No. 14, Waiwakaiho to Mangati, Grey and Bell districts, 16 January 1854, *Turton's Deeds*, Taranaki province.

⁴⁷⁵ Cooper to McLean, 29 August 1852, McLean Papers, MS-Papers-0032-0227, ATL, Wellington.

⁴⁷⁶ See for example Cooper to McLean, 23 January 1854, McLean Papers, MS-Papers-0032-0227; William Halse to McLean, 18 April 1854, McLean Papers, MS-Papers-0032-0318; Cooper to McLean, 16 May 1854, McLean Papers, MS-Papers-0032-0227, all at ATL, Wellington also Wells, 1878, p 155.

⁴⁷⁷ The only known copy of the deed is in Maori and this translation appears in Parsonson, 1991, p 113.

Strait area. In addition to the Waiwakaiho reserves created by Cooper the Crown also made two further reserves for Maori: Waiwakaiho or Katere (505.98 acres) and Manganaha (55 acres) at some time between 1865 and 1887.⁴⁷⁸ These were situated on the land which Te Puni and his people had occupied and appear to have been made in a final arrangement with them to cease their occupation (see Figure 8).

Neither the Waiwakaiho deed nor the Waiwakaiho to Mangati deed contained any provision for those who signed the deed to buy back sections within the block from the Crown (as was the case in the Hua deed discussed below). However, as we shall see later in this chapter, portions of the Native reserves created by Cooper in the Waiwakaiho block were subsequently re-purchased from the Crown by individuals for whom the reserves had been created.

The Hua Purchase, 1854

The purchase deed for the 14,000 acre Hua block was signed at Ngamotu on 3 March 1854 by 129 people from both Puketapu and Ngamotu hapu. The purchase price paid was £3000, of this £2000 was paid to the signatories immediately.⁴⁷⁹ Four Native reserves were specifically named in the deed: Paraiti (50 acres), Hua (100 acres) (later divided into Oropuriri and Hoewaka), Tapuirau (50 acres) and Upokotauaki (50 acres). In addition a fifth reserve known as Hoehoe adjoining Upokotauaki was made. Although it appears on schedules of Native reserves for this block and Harris has documented its title history the circumstances around its creation are unknown.⁴⁸⁰

In addition to the reserves specified, any further land in the block that Te Atiawa signatories to the deed wished to retain was to be acquired through re-purchasing sections from the Crown. Although it is not stated in the deed, the purchasers would then receive a Crown grant for the land. The deed stated that from the purchase money received,

⁴⁷⁸ The earliest document relating to these reserves is the notice of intention to bring them before the Native Land Court in 1887 (*New Zealand Gazette*, No. 30, 1887, p 611). A certificate of title was issued to Henare Te Puni and 6 others on 8 October 1894 (CT 29/39, Land Transfer Office, New Plymouth). The first title for Manganaha was issued to the Public Trustee on 23 February 1905 (CT 55/48) (Harris, 1991, p 19).

⁴⁷⁹ Deeds – No. 15, Hua Block, Grey and Bell district, 3 March 1854, *Turton's Deeds*, Taranaki Province and *The Taranaki Report*, 1996, p 50.

⁴⁸⁰ Harris, 1991, pp vi, 6, 15 – 17. 'Return of General Reserves for the Natives, which have been made in Cessions of Territory to the Crown', AJHR, 1862, E-10, p 7.

the sum of (1000) one thousand pounds we leave with Mr Cooper to purchase land for us when this land is surveyed ... the regulations under which we shall purchase these lands is to be at the rate of (10) ten shillings per acre it is also agreed to by Mr McLean and Mr Cooper that this land shall not be offered to the public until we shall have made our selections.⁴⁸¹

This resulted in Te Atiawa individuals buying discrete sections that did not form part of any of the reserves named in the Hua block. These sections were never considered to be Native reserves but simply lands held in Crown title by Maori in the wake of the purchase.

⁴⁸¹ Deeds – No. 15, Hua Block, Grey and Bell District, 3 March 1854, *Turton's Deeds*, Taranaki Province.

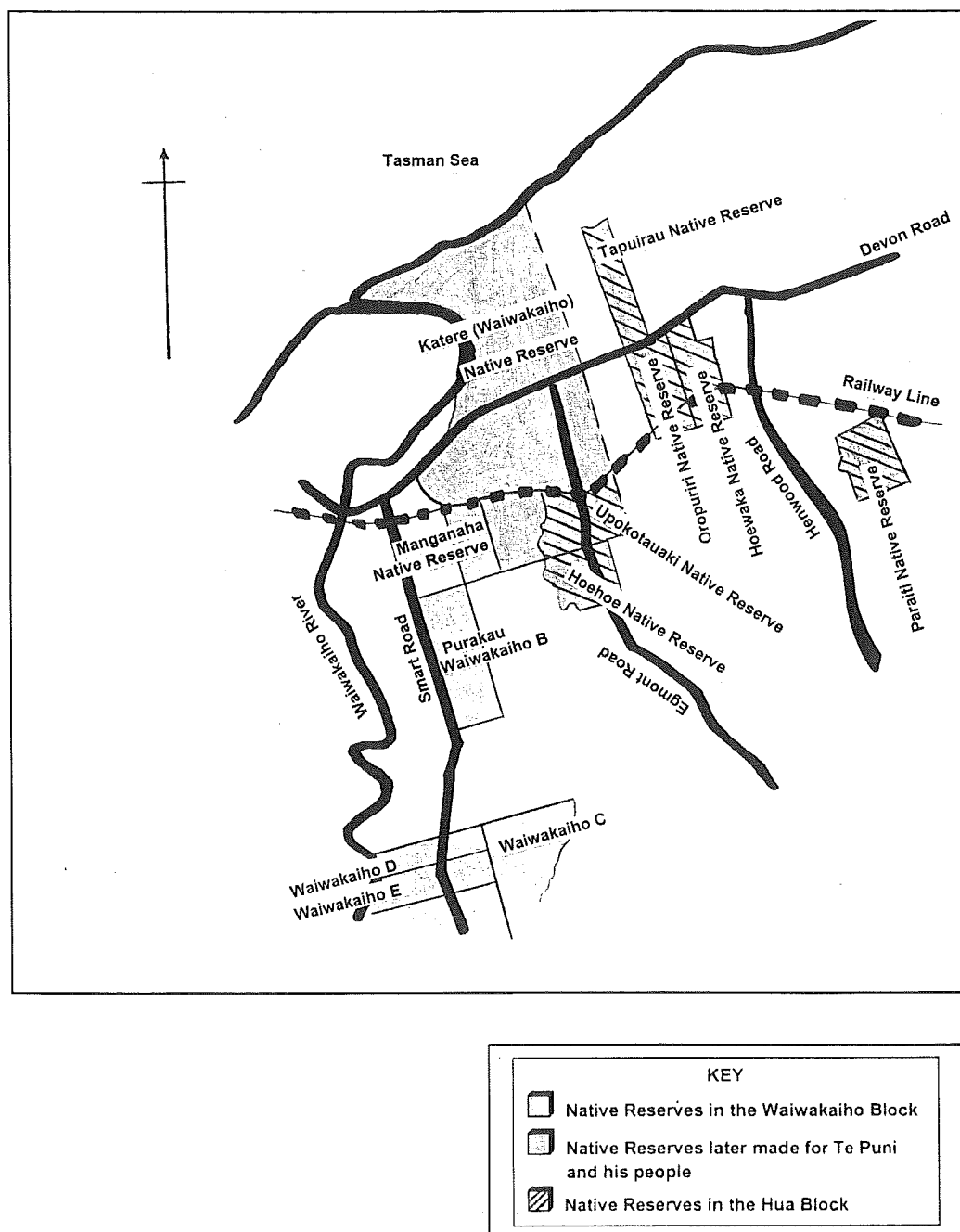


Figure 9: Sketch map by the author using the modern cadastral frame showing the Native reserves made in the Hua block, 1854 (after Harris, *Title Histories of the Native Reserves made in the Bell Block, Tarurutangi, Hua, Cooke's Farm and Waiwakaiho Purchases*, 1991)

The Crown's Native Reserve Policy in the Waiwakaiho and Hua Blocks, 1853 – 1854

By the time it purchased Hua blocks from Te Atiawa in March 1854 the Crown had decided to employ a substantially different method of creating and allocating Native reserves from that in the 1847 purchases. Governor Grey's 1848 attempts at an ad hoc individualisation of title after the reserves were created had evolved into a systematic policy whereby only limited Native reserves or, it was hoped eventually, no reserves would be made. Instead Maori were to use a portion of the purchase money paid to them to 'buy-back' or 're-purchase' sections of the land that they had just sold to the Crown. In this way individual Crown-derived titles to 'reserves' would be created, and a Crown grant would be issued to Maori owners.

Crown officials in Taranaki saw immediately the difference between this method and the old system of Native reserves. Commissioner Cooper explained to the Colonial Secretary that whereas:

Under the old system portions of land were set apart for a number of Natives, all with common right of cultivation and occupation but none of whom could alienate or clearly define his rights ... now each man has an individual piece of land which he can dispose of as he pleases, and is secure and at peace with his neighbour.⁴⁸²

However, the Crown did not acknowledge that the immediate consequence for Te Atiawa was that "the profits of their sales were largely consumed in their purchases of land from the Crown."⁴⁸³ Nor did the Crown openly acknowledge that Maori were expected to re-purchase land at the market rate, when the payment they had received for the land had been far lower.⁴⁸⁴

The origins of this policy appear to lie in McLean's Native land policy in Hawke's Bay in 1851. From that district McLean reported that he had told a chief that Native reserves, public reserves and a reserve for a canoe-landing place were to be made "and every facility would be afforded them of re-purchasing land from the Government."⁴⁸⁵ This was clearly connected to

⁴⁸² General report of Cooper to the Colonial Secretary, 29 April 1854, McLean Papers, MS-Papers-0032-0126, ATL, Wellington.

⁴⁸³ Parsonson, 1991, p 124.

⁴⁸⁴ Suzanne Cross and Brian Bargh, *Whanganui District*, Waitangi Tribunal Rangahaua Whanui Series, 1996, pp 18 and 20.

⁴⁸⁵ McLean to the Colonial Secretary, 29 December 1851, BPP, Vol. 8, [1476], pp 63 – 64.

his suggestion to Grey in 1850 that one way in which Maori might be persuaded to sell more of their land to the Crown would be to provide some way for them to purchase land from the Crown after sales had been completed. McLean argued that the ability for Maori to re-purchase land from the Crown would allay:

the fear of their not being able at any future period to re-purchase land once sold by them, however necessary it may be for their existence; moreover, they have found in many instances that they could not purchase or retain the most significant spots for cultivation.⁴⁸⁶

It seems that after a decade of colonisation Maori were voicing their concerns and making more exacting demands upon the Crown in negotiations over land than they had done in the 1840s. But most of all there was a growing understanding that Pakeha viewed these arrangements as a permanent separation of Maori from the land. Therefore, this policy may have appeared necessary to McLean as a means by which the effects of the permanent nature of the sales could be softened.

McLean then applied his idea of re-purchasing to the provision of Native reserves in the Hua purchases in Taranaki. In a letter a few days after the Hua deed was signed early in March 1854, McLean outlined the re-purchasing policy and put forward its advantages. He provided a range of politically motivated justifications for adopting the policy in Taranaki at this particular time. It is clear that the re-purchasing policy for Native reserves was an attempt to minimise the amount of desirable land locked up in Native reserves (and thus unavailable to settlers). This is unsurprising given the considerable pressure that settlers at New Plymouth were exerting on the Crown to acquire land north of the Waiwakaiho River, and in particular at Waitara. In the case of the Hua block, McLean noted that "instead of having extensive reserves, which would monopolise the best of the land" Te Atiawa had agreed to use £1000 of the purchase money to exercise their "pre-emptive right of selection at ten shillings an acre."⁴⁸⁷ The desire to prevent the allocation of 'excessive' reserves was coupled with an assumption that land re-purchased and held by Te Atiawa in title from the Crown would quickly be sold by Maori individuals to settlers, thus increasing the supply of land. The superintendent of the province certainly

⁴⁸⁶ Chief Commissioner to the Colonial Secretary, 7 March 1854, AJHR, 1861, Taranaki, C-1, No. 40.

⁴⁸⁷ *Ibid*, p 198.

expected a steady flow of "individual pieces" of land in the Hua block to come onto the market and suggested to McLean that all such sales "should be by auction stating terms of credit etc. so as to get the owner the tip top price."⁴⁸⁸

Of equal importance in this climate of pressure was the hope that the re-purchasing scheme, with its promise of Crown grants, would offer a significant incentive for Te Atiawa to sell further land to the Crown. Cooper was later called to respond to settler dissatisfaction with the amount of land in the Waiwakaiho block, especially the amount of coastal fern land, which had been reserved for Maori and the portion subsequently re-purchased by them in this block. He reminded the settlers that at the time the block was purchased in 1853, "it was looked upon as a matter of great importance to make a commencement in any direction and on almost any terms in the hopes of its leading to further purchases." In particular:

it was also at that time believed that dealing liberally with the Natives in the matter of reserves in this [Waiwakaiho] block might operate as an inducement to the Mangaoraka, Waiongana, and Waitara people to sell some of their much-coveted lands as it was hoped their opposition might become less obstinate when they saw that really nothing more was asked for, or sought to be obtained from them, than those lands which were of no use to themselves or their children.⁴⁸⁹

In this way, the Crown envisaged that the Company's original block would be rapidly recovered. McLean assured the Colonial Secretary that the policy "will lead without much difficulty to the purchase of the whole of the Native lands in this province."⁴⁹⁰

A system that individualised the ownership of the land Maori retained had several other advantages for the Crown that, although less important, should not be overlooked. If each individual had sections of land in his or her own name it would, McLean argued, "dispense with the necessity that existed under their former precarious tenure and customs of living in confederate bands in large pas, ready at a moment's notice to collect and arm themselves either for defence or depredation."⁴⁹¹ This suggests that the re-purchasing scheme was perceived as going some way towards neutralizing the military threat that Te Atiawa appeared

⁴⁸⁸ Charles Brown to McLean, 13 June 1854, McLean Papers, MS-Papers-0032-0178, ATL, Wellington.

⁴⁸⁹ Cooper to the Chief Commissioner, 11 August 1855, *Turton's Epitome*, D-43.

⁴⁹⁰ Chief Commissioner to the Colonial Secretary, 7 March 1854, AJHR, 1861, Taranaki, C-1 No. 40, p 198.

to pose to the British settlement at New Plymouth. In general terms any means which persuaded Maori to abandon tribal warfare and live in peace amongst themselves would also have been viewed as a step towards 'civilisation' and assimilation. The re-purchase scheme also offered the Crown fiscal benefits. The large sum of money it had paid out in purchasing the land would be effectively recycled back into its coffers because the purchase consideration "will be chiefly expended by them in re-purchasing land from the Crown."⁴⁹²

This change of policy marked a watershed in the evolution of the Crown's notion of how the Native reserves would function to assimilate Maori. The emphasis permanently shifted away from reserves as a mechanism to physically intermingle Maori property with that of the settlers to encourage Maori to adopt British economic and social habits. Instead, in the Crown's revised vision of the Maori future, assimilation into the Anglo-settler State depended upon Te Atiawa individuals holding land in a Crown title. Native reserves were to be the 'pilot scheme' to introduce Maori to individualized title, which would, it was hoped, lead to a widespread enthusiasm amongst Maori for holding land in this form of title. There was perhaps the assumption that if Maori held property as individuals then tribal society would be gradually transformed into a society that more closely resembled that of the settlers. The fact that all land in the colony would then be easily tradable was no small benefit of this new means of assimilation. However, as with all pilot schemes, the outcome was far from certain. In 1858, McLean admitted that Native land legislation, and by implication the policies behind it, were decidedly experimental. He cautioned that:

it is impossible to ignore the fact that their [Native land legislation] success, as a means of civilizing and ameliorating the condition of the Natives, is problematic; and that until time shall have tested their merits, they must be regarded simply as an experiment.⁴⁹³

⁴⁹¹ Chief Commissioner to the Colonial Secretary, 7 March 1854, AJHR, 1861, Taranaki, C-1 No. 40, p 198.

⁴⁹² Ibid. McLean emphasised to Cooper that this would enable the purchase money to be paid back to Treasury who could then make it available for further purchases in the province (draft letter from McLean to Cooper, 1 May 1854, McLean Papers, MS-Papers-0032-0227, ATL, Wellington).

⁴⁹³ Memorandum by the Native Secretary, 13 October 1858 in BPP, Vol. 11 (492), p 49.

Table 1: Table Showing the Proportion of Native Reserves in the Waiwakaiho Block reserved by Commissioner Cooper and Re-purchased by Te Atiawa

Name of reserve and who reserved for	Acres reserved	Acres Re-purchased	Total acreage of 'Native Reserve'	Reasons for the reserve being created
a (Te Puia) Matini Tupoki and Wi Ropiha	50 acres ⁴⁹⁴	Nil	50 acres	Promised as reserve by Governor Grey prior to purchase (would have been excepted from sale if not reserved)
A (Purakau) Hone Ropiha	50 acres	Nil	50 acres	Was part of owner's promised 100 acres seaward (he gave up the other 50 acres in order to secure this reserve)
B (Raupiu) Wi Te Ahoaho	100 acres	Nil	100 acres	Was old Company 10 th reserve owner refused to give up his claim to it (would have been excepted from sale if not reserved)
C Hone Rophia and party	100 acres	100 acres	200 acres	Was owner's promised 200 acres inland. Owner offered to re-purchase 100 acres
D Rawiri Motutere and Wi Kawaho	25 acres	Nil	25 acres	In exchange for cultivations on Mr Smart's section and for claims in the FitzRoy block
d Karoraina and Ani	Nil	5 acres	5 acres	In exchange for cultivations on Mr St Aubyn's section. Re-purchased by a male relative of the two female owners
E Hopataiha	40 acres	Balance over 40 acres (presumably 10 acres to make a 50 acre section)	50 acres	For claims in the FitzRoy and Grey blocks
F Matini Tupoki	20 acres	30 acres	50 acres	Originally to have 50 acres in common with owners of F _A and I. Owner opted for 20 acre reserve and 30 acres re-purchased to make a 50 acre section
F_A Wi Tana	20 acres	30 acres	50 acres	Originally to have 50 acres in common with owners of F and I. Owner opted for 20 acre reserve and 30 acres re-purchased to make a 50 acre section

⁴⁹⁴ Figures and comments for this table come from the map in Figure 9 (MapColl 832.2gbbd/[1848]/Acc 2797, ATL, Wellington); Cooper to the Chief Commissioner, 11 August 1855, *Turton's Epitome*, D-43 and 'Memorandum by Mr Cooper', 8 December 1854, *Turton's Epitome*, encl. in D-43.

Name of reserve and who reserved for	Acres reserved	Acres Re-purchased	Total acreage of 'Native Reserve'	Reasons for the reserve being created
G Kirihipu, Herewini and Hohia	75 acres	Nil	75 acres	For absentees from Nelson
H (Whatapiupiu) Poharama	Nil	50 acres	50 acres	For absentees but Cooper refused to reserve the land so owner offered to re-purchase the whole section
I Wi Ropiha	20 acres	30 acres	50 acres	Originally to have 50 acres in common with owners of F and F _A . Owner opted for 20 acre reserve and 30 acres re-purchased to make a 50 acre section
J (Whatapiupiu) Wi Tako	500 acres	Nil	500 acres	A reserve was promised at the signing of the deed at Wellington
K More	50 acres	Nil	50 acres	For claims in Grey block and to induce owners to move off Mr J Webster's section at Watitiri.
L (Rekereke) Wi Te Ahoaho and his relatives	100 acres	100 acres	200 acres	Was owner's 200 acres inland. Owner offered to re-purchase 100 acres.
M (Araheke) Te Ropiha Moturoa and his relatives	500 acres	Nil	500 acres	A reserve was promised for absentees at the signing of deed in Wellington.
N (Mangorei) Hohua and Manahi	50 acres	Nil	50 acres	A reserve was promised at signing of deed in New Plymouth for owners who had no land to settle on.
TOTAL ACRES	1700 acres	355 acres	2055 acres	

The Selection and Allocation of Native Reserves in the Waiwakaiho Block

Commissioner Cooper was responsible for the location and size of the Native reserves in the Waiwakaiho block. Cooper emphasised this somewhat defensively to McLean in 1855, stating that the "re-emptive rights of selection were not given to these Natives ... the only reserves not selected by me being Waerengapoka, and the latter being the only one taken in opposition to my wishes."⁴⁹⁵ Table 1 above demonstrates that over half of the reserves in the Waiwakaiho block were created by Cooper as a means of solving a variety of pressing concerns. A number of reserves were made to fulfill promises previously made for particular places to be reserved; to accommodate absentees returning to the district and to facilitate the removal of Te Atiawa

from sections that settlers still regarded as having been selected by them in the 1840s. Almost all of the reserves that did not fall into this category were in fulfillment of agreements Cooper had negotiated with particular hapu leaders.

Te Atiawa choices about the location, size and number of reserves they received were to a large extent constrained by Cooper. However, it is also clear that Cooper's selection of the reserves generally occurred in the context of hard bargaining with Te Atiawa individuals. In the case of the 100 acre reserve for Hone Ropiha, Cooper reported that he chose it to adjoin that belonging to Wiremu Te Ahoaho. But Hone Ropiha bargained, proposing to give up 50 of his acres there if he could have Purakau Waiwakaiho A as a reserve, and McLean eventually sanctioned this arrangement.⁴⁹⁶ In other cases hapu leaders simply refused to part with sites they laid claim to or had been promised would be reserved for them well before the purchase deed was signed. The 100 acres (Raupiu Waiwakaiho B) reserved for Wi Te Ahoaho was land that he simply insisted had to be reserved. Cooper stated that they were reserved because they were sections that "Wi Te Ahoaho and his brother never would have given up, and they would have been excepted from the sale had they not been promised as reserves."⁴⁹⁷ These sections are shown as Company tenths reserves in Figure 3 however they had recently been occupied by a settler, Mr Nairn.⁴⁹⁸

Commissioner Cooper also attempted to use the location and allocation of reserves to break up the occupation of a large area of the block by Henare Te Puni and his people who were protesting about the original purchase of the land.⁴⁹⁹ This occupation was causing considerable discontent amongst New Plymouth settlers, and was a serious obstacle for the Crown which needed to get the land rapidly surveyed and opened for selection to pacify settlers and generate funds for purchasing much coveted land towards Waitara. The Crown became increasingly frustrated, and Cooper used the power of selection to attempt to break up Te

⁴⁹⁵ Cooper to the Chief Commissioner, 11 August 1855, *Turton's Epitome*, D-43. Here Cooper is referring to Raupiu Waiwakaiho B, two former Company tenths sections which Wi Te Ahoaho refused to give up his claim to.

⁴⁹⁶ Cooper to the Chief Commissioner, 11 August 1855, *Turton's Epitome*, D-43.

⁴⁹⁷ *Ibid.*

⁴⁹⁸ *Ibid.*

⁴⁹⁹ Figure 9 shows the extent of the land occupied by Te Puni and several Native reserves that Cooper created within that area.

Puni's resistance. Cooper frankly admitted that he purposely selected Hone Ropiha's 200 acres (Waiwakaiho C) "within the boundaries disputed by Henare Te Puni and party, because he has much influence over them."⁵⁰⁰ Cooper then offered Hone Ropiha a deal on the price per acre for the 100 acres he wished to repurchase to "induce him" to exercise his influence with Te Puni "to its fullest extent."⁵⁰¹ Cooper also selected the 50 acre reserve (Waiwakaiho K) for More and his family within the boundaries of the land disputed by Henare Te Puni.⁵⁰²

In the Waiwakaiho block the Crown found it necessary to make reserves in an attempt to correct various problems that had arisen on the ground. There were situations where Cooper created reserves to satisfy the needs of individuals whose interests in the FitzRoy and Grey blocks had not been recognised at the time of those purchases. He also created reserves in order to persuade Maori to move off sections that had been claimed by settlers. In one instance, a 50 acre reserve was made by Cooper (Waiwakaiho K) for More and his family "to induce them to remove from Mr J Webster's section at Waititiri," he also thought that they had some claims in the Grey block.⁵⁰³ In another case, a reserve of 25 acres (Waiwakaiho D) for Rawiri Motutere and Wiremu Kawaho was noted as land "in exchange for a cultivation on Mr Smart's farm, for which they had not been paid at the FitzRoy purchase."⁵⁰⁴ The number of these cases is an indication of the considerable mismatch between the concept of Native reserves as bounded parcels of land and the scattered and intersecting use rights of Te Atiawa.

In several cases prominent Te Atiawa individuals were able to persuade Cooper to reserve particular significant places for them and their people by citing previous oral agreements with Governor Grey. Presumably, Cooper or McLean then approached Grey, who then remembered, and verified these promises to those individuals. Te Puia Waiwakaiho a was made by Cooper for Matena Tupoki and Wiremu Ropiha because it was the section at the

⁵⁰⁰ Cooper to the Chief Commissioner, 11 August 1855, *Turton's Epitome*, D-43.

⁵⁰¹ Ibid.

⁵⁰² Ibid.

⁵⁰³ Ibid.

⁵⁰⁴ There was also Waiwakaiho E, 40 acres reserve for Hopataia, "for all his unsatisfied claims in the FitzRoy and Grey purchases, including Mr. St. Aubyn's section." There was a 5 acre (Waiwakaiho d) that was reserved for two

mouth of the Waiwakaiho River that Grey promised them "years ago" that they would have "if the land was ever sold to the Crown."⁵⁰⁵ Cooper noted that the land would have been excepted from the sale if it had not been set aside as a reserve; clearly this site was one which was so significant to Te Atiawa that they insisted on it being reserved.⁵⁰⁶

Concern about future events also prompted the Crown to regulate the location and extent of the Waiwakaiho Native reserves. Cooper made a number of sizable reserves for Te Atiawa migrants expected to return and live permanently in Taranaki. The Crown feared that a flood of migrants would settle anywhere they chose on the block, ruining the careful negotiations for reserves and re-purchased portions of those reserves. This was the reason Cooper gave for making Waiwakaiho J (500 acres) for Ropiha Moturoa and his Wellington relatives, and Waiwakaiho G (75 acres) for Kirihipu and Herewini and their relatives.⁵⁰⁷

The Waiwakaiho purchase was acknowledged amongst Crown officials as a preliminary to acquiring the more valuable land at Waitara.⁵⁰⁸ Therefore, the allocation of reserves in the Waiwakaiho block was often an attempt to secure and maintain the co-operation of individuals who had particular influence with their hapu or iwi. In particular, the Crown was keen to cultivate the support of those who could influence the Waitara people to sell land, or persuade absentees not to return and take up further land. It also used reserves to repay those seen as deserving of a reward for persuading their own people to sell the Waiwakaiho block to the Crown. Cooper justified the decision to make such "liberal" reserves for Hone Ropiha and Wiremu Te Ahoaho and their relatives on the basis that "these men individually deserve liberal

women, Kororaina and Ani, "in exchange for cultivations on Mr St. Aubyn's section, in occupation of Mr Chilman." ('Memorandum of Commissioner Cooper', 8 December 1854, *Turton's Epitome*, encl. to D-43).

⁵⁰⁵ Matini Tupoki signed the FitzRoy deed in November 1844, in 1847 he was living at Moturoa. He had interests in the FitzRoy block – he signed the deed of sale for Te Kawau Pa in central New Plymouth in 1862 and he is listed as part owner of Native Reserve No. 21 with Wi Ropiha in 1866. In 1868 he was living at Te Henui and owned cattle for which he held a registered brand. He is buried on Te Puia Waiwakaiho a. Wiremu Ropiha signed the FitzRoy deed in November 1844, and was part owner of Native Reserve No. 21 with Matini Tupoki in 1866. A Crown grant for Te Puia Waiwakaiho a, was eventually issued to him on 9 April 1894, ante-vested to 7 June 1887.

⁵⁰⁶ Cooper to the Chief Commissioner, 11 August 1855, *Turton's Epitome*, D-43. Another example would appear to be a promise made in 1847, during negotiations for the Grey block, when Maori approached McLean requesting that a pa, cultivation site and urupa on the property of Mr Grover at Waiwakaiho be reserved for them (McLean to King, 18 May 1847 and McLean to Henry Halse, 20 May 1847 both in MA-MLP-NP 1, ANZ, Wellington).

⁵⁰⁷ Cooper to the Chief Commissioner, 11 August 1855, *Turton's Epitome*, D-43.

⁵⁰⁸ Ibid.

treatment at the hands of Government, as it was almost exclusively owing to them that the purchase was effected." Both men were to have 300 acres of reserves made in their name, 100 acres at the seaward end of the block and 200 acres inland.⁵⁰⁹ Te Ropiha Moturoa was allocated one of the largest reserves in the block, Araheke Native Reserve M (500 acres). It appears that the reason for this was that he "had used his influence very successfully with the absentees in this neighbourhood," and most importantly Cooper believed that he would be useful when it came to persuading those at Waiongana to sell their land.⁵¹⁰

By contrast those who fell out of favour, or were seen as obstructive or too demanding ran the risk of being penalised by having their requests for reserves denied. Poharama Te Whiti was one of the leading chiefs of the Ngamotu hapu. However, when he asserted his chiefly authority within his rohe in opposition to the purchase arrangements he was labelled as difficult and obstructive. Poharama headed a party of prominent men including Wiremu Ropiha, Matini Tupoki, Wi Kawaho and Rawiri of Te Kawau Pa who called on Cooper to protest about the boundaries of the Hua block offered by Karira who belonged to Puketapu hapu. On that occasion Commissioner Cooper berated Poharama, telling him that he should be ashamed of his behaviour. Although Poharama later apologised he was firm in his opposition, informing Cooper that he had decided "to rub out all the boundaries on the ground."⁵¹¹ Cooper characterised Poharama's actions as spiteful and motivated by petty jealousy and patronisingly disregarded his concerns: "I fancy he is a good fellow in the main, and when his fit of sulks is over he will cause little or no trouble."⁵¹² Given all of these incidents, it is interesting to say the least that when Poharama requested a reserve for migrants, Cooper refused to make one, and Poharama resorted to re-purchasing 50 acres instead (Whatapiupiu Waiwakaiho H).⁵¹³

⁵⁰⁹ Wi Te Ahoaho was seen as influential. He signed the Hua deed, but was also shown as part owner with his brother Hemi Poaka of Pukaka Native Reserve No. 18, and Raiomiti Native Reserve No. 23 ('An Account of Native Reserves in the Province of Taranaki together with the Owners thereof', AD 1, 1866/610, RDB, Vol. 136, pp 52169 - 52177) and therefore important to the Crown's negotiations for further land.

⁵¹⁰ Cooper to the Chief Commissioner, 11 August 1855, *Turton's Epitome*, D-43.

⁵¹¹ Cooper to McLean, 12 September 1852, McLean Papers, MS-Papers-0032-0227, ATL, Wellington.

⁵¹² Ibid. Cooper's negative opinion of Poharama was probably compounded by a dispute between Poharama and a Taranaki Maori. Poharama had allowed a man from the south to cultivate on part of Moturoa reserve, but the man had "joined Creed's party." So Poharama had pulled up his crops and burnt them. Although Poharama's actions were a totally appropriate exercise of autonomy for a chief of his standing, Cooper reported that "Poharama's conduct is a sad trouble. He is becoming quite unmanageable" (Ibid).

The Re-purchasing of Portions of Native Reserves in the Waiwakaiho Block

It is clear from Cooper's reports regarding the allocation of Waiwakaiho reserves and the unsigned, undated plan of the reserves shown in Figure 8 that individual Maori for whom Cooper had selected reserves re-purchased a portion of their reserve from the Crown.⁵¹⁴ The Taranaki provincial council committee into the Waiwakaiho block stated that 1,784 acres had been reserved by Cooper, "395 acres are, according to agreement, to be purchased by them at 10 shillings per acre before any portion is given out to settlers."⁵¹⁵

An analysis of the reserves made by Cooper in the Waiwakaiho block in terms of the proportion of each reserve re-purchased by Te Atiawa reveals that 355 acres, nearly 20 percent (17.27 percent) of the total 2055 acres shown as reserved was land within the reserves re-purchased by Te Atiawa. The overwhelming majority, 1700 acres (82.73 percent) of the reserve land in the block remained land set aside by the Crown as Native reserves. Of the 17 reserves created at this time over half (9 of the 17 or 52.94 percent) consisted totally of land reserved by Cooper. Well over a third of the reserves (6 of the 17 or 35.29 percent) were reserves created by Cooper in which Te Atiawa had re-purchased a portion of the reserve. The remaining two reserves, 11.76 percent of the total number of reserves made, were reserves made by Cooper but completely repurchased by Te Atiawa.

All the reserves in which Te Atiawa did not re-purchase a portion of the reserve, were cases where Cooper was forced to make a reserve by a previous promise to Te Atiawa, Te Atiawa pressure or the need to solve situations where Te Atiawa were occupying sections selected by settlers. On the other hand, all the reserves where Te Atiawa did re-purchase part of the reserve were those which were considered to be allocated to chiefs and their kin simply in fulfilment of the promise in the deed to make reserves. The only exception to this pattern was Waiwakaiho E that was created for Hopataia "for all his unsatisfied claims in the FitzRoy and

⁵¹³ Cooper to the Chief Commissioner, 11 August 1855, *Turton's Epitome*, D-43.

⁵¹⁴ Cooper gave a detailed account of the location and size of these repurchased sections and noted which individuals had repurchased them. 'Memorandum by Mr Cooper', 8 December 1854, *Turton's Epitome*, encl. to D-43 and Cooper to the Chief Commissioner, 11 August 1855, *Turton's Epitome*, D-43.

⁵¹⁵ 'Report of a Special Committee of the Provincial Council of New Plymouth on the Purchase of the Waiwakaiho Block, n/d [c. May 1855], *Turton's Epitome*, D-41A. There can be no doubt that they are referring to the Waiwakaiho rather than the Hua block as they accurately quote the deed and the price paid to Wellington people for their interests in the block.

Grey purchases, including Mr St. Aubyn's section."⁵¹⁶ However, in this case 40 acres were reserved for Hopataia in compensation for his claims, and it was agreed that he would pay for any acres in excess of this. Given that a section was 50 acres it is more than likely that he would have re-purchased no more than 10 acres. (Table 1 above provided the basic data for these calculations).

It is almost certain that this re-purchasing took place after the Hua deed was signed; its re-purchasing provision widely known amongst Te Atiawa with interests in the Waiwakaiho and Hua district; and work begun on translating that provision into reality. Although the second deed conveying land in the Waiwakaiho block to the Crown was signed in Wellington in January 1854 the reserves were still not laid out in July 1854. C W Richmond commented on 28 July that "the *friendly* party [as opposed to Te Puni and his people] are sowing wheat and planting potatoes on the Waiwakaiho block." He had heard that both Cooper and Hone Ropiha had agreed to this in order to stop Te Puni and his people planting their crops and expanding the area they held. However he also reported that "other people [other settlers?] say that as the *reserves are not marked out* the Natives are allowed for the first year to crop what land they choose"⁵¹⁷ [emphasis added]. It was not until November 1854 that Cooper reported that he had "settled all the reserve questions at the Waiwakaiho and handed the block to Halse and the superintendent."⁵¹⁸ In the mean time those who had been allocated reserves in the Waiwakaiho block would have heard, and even been involved in, the selection of re-purchased sections in the Hua blocks. In May 1854 the survey of the Hua block was said to be complete enough for them to select their sections and throughout June, July and August those selections took place before the block was opened for selection by settlers on 17 August 1854.⁵¹⁹

⁵¹⁶ Memorandum by Mr Cooper, 8 December 1854, *Turton's Epitome*, encl. in D-43.

⁵¹⁷ C W Richmond to Charles Brown, 28 July 1854, in *The Richmond-Atkinson Papers*, G H Scholefield (ed), 1960, Vol. 1, p 151.

⁵¹⁸ Cooper to McLean, 2 November 1854, McLean Papers, MS-Papers-0032-0227, ATL, Wellington.

⁵¹⁹ Cooper to McLean, 16 May 1854 and Cooper to McLean, 12 June 1854 both McLean Papers, MS-Papers-0032-0227; William Halse to McLean, 22 July 1854 and William Halse to McLean, 25 August 1854 both in McLean Papers, MS-Papers-0032-0318 respectively, all at ATL, Wellington.

It seems likely that these events in the adjacent block unfolding at the same time as the Waiwakaiho reserves were being created prompted those who were allocated reserves in that block to approach Cooper to request that they be permitted to re-purchase part of the reserves already set aside for them. Cooper later recalled several examples of these requests, for example before Cooper had selected inland reserves of 200 acres for Hone Ropiha and Wi Te Ahoaho "they both expressed a wish to purchase one hundred acres of their respective reserves."⁵²⁰ In another case, Cooper had decided to reserve one 50 acre section for Matini Tupoki, Wi Tana and Wi Ropiha, they reportedly, "objected to holding the land as tenants in common, and asked for separate reserves of twenty acres each, and for permission to purchase thirty more, so that each might have a section."⁵²¹

By the time Te Atiawa began re-purchasing portions of the Waiwakaiho Native reserves the re-purchasing policy had been officially adopted in the Hua block. Therefore it is unsurprising that Cooper reacted favourably to requests to re-purchase portions of the reserves. In 1855 he recounted that he "willingly acceded" to the request by Hone Ropiha and Wi Te Ahoaho to re-purchase portions of Waiwakaiho C and Rekereke Native Reserve L, as he "had been specifically instructed by you [McLean] to encourage as much as possible the purchase of land by Natives under the Government regulations."⁵²² In the case of Matini Tupoki, Wi Tana and Wi Ropiha who each offered to re-purchase a further 30 acres to add to the 20 acres each had been allocated as reserves Cooper recalled that he agreed in order "to encourage the purchase of Crown lands by Natives."⁵²³ It is likely that influential individuals were particularly encouraged to re-purchase land in the hope that their example would motivate the iwi as a whole to embrace the concept of individual land ownership. This policy was explicitly stated in McLean's instructions to the District Land Purchase Commissioner Robert Parris in 1857. Parris was instructed that:

⁵²⁰ Cooper to the Chief Commissioner, 11 August 1855, *Turton's Epitome*, D-43.

⁵²¹ *Ibid.*

⁵²² *Ibid.* Grey made Land Regulations on 4 March 1853 that lowered the price of land outside Hundreds to 10 shillings per acre (or 5 shillings per acre for land certified as hilly or broken). These regulations applied to rural land in the New Plymouth province from September 1853 (Parsonson, 1991, fn p 123).

⁵²³ Cooper to the Chief Commissioner, 11 August 1855, *Turton's Epitome*, D-43.

every possible facility should be afforded to the young and more intelligent Natives to acquire land by re-purchase from the Crown; in order that their present system of communism may be gradually dissolved; and that they may be led to appreciate the great advantage of holding their land under a tenure more defined and more secure for themselves and their posterity than they can possibly enjoy under their present intricate and complicated mode of holding property.⁵²⁴

Paradoxically, there was a clear intention on the part of Commissioner Cooper to facilitate the rapid alienation of the re-purchased portion of these reserves. In doing so Cooper constrained, and in some cases vetoed, Te Atiawa choices of the size and location of this portion of the reserve. For instance, Cooper selected the 100 acre re-purchased portions for Hone Ropiha and Wiremu Te Ahoaho "at a less distance inland than probably they otherwise would have been, as I felt sure that the purchased half of each reserve would in a very short time come into the market."⁵²⁵ In the case of the 30 acres to be re-purchased by Matini Tupoki, Wi Tana and Wi Ropiha in their reserves (Waiwakaiho F, F_A and I respectively) Cooper assured McLean that he had "selected the lands in their present position, knowing they would soon come into the market, with which view I specially provided that the twenty-acres reserves should be at the end of the sections fronting on the river, as being the least valuable portions of the land."⁵²⁶

Cooper's practice of selecting the re-purchased portion of the reserve to facilitate its alienation is problematic. On the one hand it had the potential to dramatically and rapidly reduce the land hapu retained in the wake of the purchase, and considering this was all the land they possessed for the future sustenance and development of their communities this would suggest that their long-term interests were poorly served by such a practice. The deliberate selection by Cooper of the most valuable piece as the portion that would be alienated seems designed to favour potential settler buyers, leaving Te Atiawa with the least valuable (and probably poorer quality) land as 'reserves'. However, Cooper may in fact have considered that the rapid sale of the more valuable portion was profitable for Te Atiawa sellers. Cooper justified his practice in the case of Hone Ropiha and Wi Te Ahoaho commenting that he "could not see why the difference in value between the Government price of 10 shillings and that which commonly is

⁵²⁴ 'Instructions to District Land Purchase Commissioner [Robert Parris] relative to purchase of land from the Natives at Taranaki', 26 August 1857, AJHR, 1861, Taranaki, C-1, No. 57, pp 211 – 213.

⁵²⁵ Cooper to the Chief Commissioner, 11 August 1855, *Turton's Epitome*, D-43.

⁵²⁶ *Ibid.*

obtained in New Plymouth should not as well be received by aboriginal Natives" rather than a British speculator who would make a fortune and leave the colony. Cooper was of the opinion that the right of Maori "to a share in the benefits arising from the settlement and improvement" of the settlement was "at least as good as that of any immigrant settler whatsoever."⁵²⁷ Te Atiawa in the Hua block, and probably in this block as well, also expressed a strong desire to be treated as equals with the settlers. When told by Cooper that the Government was considering putting restrictions on selling in the Crown grants for re-purchased sections Te Atiawa reportedly replied "that if they brought their land and paid for it the same as the whites why should they not be equally free to sell it again."⁵²⁸ Cooper was forced to admit that any proposal to make grants of the life interest for the present generation only would "have a very mischievous effect" and that "it would not be safe to do more than oblige them to conduct any sale or leasing of their lands, through the medium of my office."⁵²⁹ This demonstrates that the re-purchasing scheme highlighted the classic tensions between the Crown's duty to protect Maori interests and the rights of Maori as British citizens.⁵³⁰

Although Cooper reported in November 1854 that he had settled all matters relating to the Waiwakaiho reserves this was not the case (this will be discussed in the following chapter in relation to the work of the Native reserves commissioners). However it is worth noting here that in all cases the part reserved by Cooper and that re-purchased by Te Atiawa came to be regarded simply as a Native reserve. Cooper's successor, Robert Parris, concluded that because of the "complicated nature of the arrangement" in which there was "no definition of what part is reserve or what part has been paid for, but merely the quantities mentioned, and both marked off in one allotment, without any distinction" it would be best to treat them as reserves.⁵³¹

The Native Reserves in the Hua Block

The Hua deed and official correspondence make an interesting distinction between the nature of the land in the reserves named in the deed and that of the sections to be re-purchased by

⁵²⁷ Ibid.

⁵²⁸ Cooper to McLean, 16 May 1854, McLean Papers, MS-Papers-0032-0227, ATL, Wellington.

⁵²⁹ Ibid.

⁵³⁰ Ward, 1997, p 276.

the signatories. It is clear that the reserves themselves were set aside for hapu because they were the actual pa, surrounding cultivations and associated urupa of the communities living on the block. Shortly after the deed was signed McLean referred to these reserves reporting that, "instead of having reserves of several thousand acres they have been satisfied with three hundred acres round their pas."⁵³² In contrast the deed indicates that the sections to be re-purchased would be land that hapu "may require for cultivation."⁵³³

It appears that work began on surveying these reserves shortly after the deed was signed in March 1854. By 3 April Cooper noted that the survey of the Hua block was progressing well and that the surveying of the reserves was complete.⁵³⁴ The nature of these reserves suggests that hapu were already in residence at the time the deed was signed. Two years later, during the conflict amongst Puketapu hapu, John Whiteley recorded that his circuit "is now composed of a number of pas or stockades, each little settlement being converted into a military fortress for [the] security of [the] inhabitants." Amongst these pa he lists three of the Hua Native reserves: Upokotauaki, "Te Horopururi" [Oropuriri] and Pariti.⁵³⁵

Re-purchased Sections in the Hua Block

It is not entirely clear how many sections were re-purchased by Te Atiawa individuals in the Hua block under the re-purchasing provision of the Hua deed. *The Taranaki Report* stated that "in the end, Maori obtained 1800 acres in over 1000 allotments."⁵³⁶ This was derived from the report of John Rogan the surveyor, who stated in June 1855 that "the Native selections already amount to 1676 acres which have been divided into 101 allotments, and there yet remain 124 acres to be divided between three claimants, which will complete the Native selections in the above [Hua] district."⁵³⁷

⁵³¹ Parris to McLean (Private), 12 December 1859, McLean Papers, MS-Papers-0032-0009, ATL, Wellington.

⁵³² McLean to the Colonial Secretary, 7 March 1854, AJHR, 1861, Taranaki, C-1 No. 40, p 198.

⁵³³ Deeds - No. 15, Te Hua Block, Grey and Bell district, 3 March 1854, *Turton's Deeds*, Taranaki Province.

⁵³⁴ Cooper to McLean, 3 April 1854, McLean Papers, MS-Papers-0032-0227, ATL, Wellington.

⁵³⁵ Wesleyan Mission Society Reports: New Plymouth Circuit, November 1856, Wesleyan Mission Society Reports 1856 - 1863, ATL, Wellington.

⁵³⁶ *The Taranaki Report*, 1996, p 50.

⁵³⁷ Rogan to the Chief Commissioner, 14 June 1855, AJHR, 1861, Taranaki, C-1, encl. in No. 51, pp 206 - 207.

The selection of land by Te Atiawa individuals in the Hua block was not nearly as straightforward as Rogan's final report would suggest. Several issues led to considerable frustration and delays for hapu. As in the case of Native reserves as far back as the New Zealand Company tenths, many Te Atiawa continued to operate on the basis of existing rights to land and resources in the Hua block, and these could not be made to harmonise with the imposition of a grid of individually owned sections. Rogan noted, as he began the surveying of those sections, that he anticipated delays "owing principally to the Natives adhering to their respective claims to the land, as it stood originally, and it is in most cases impossible to survey the different allotments so as to make them come to certain Maori land marks."⁵³⁸ This comment needs to sit alongside the reported enthusiasm of hapu for the re-purchasing of sections, as it points out that understandings about the scheme were not uniform amongst the hapu involved. There was indeed a considerable level of support by hapu for the prospect of re-purchasing land from the Crown and holding it in Crown-derived title. In April 1854, Cooper reported that those who had signed the Hua deed had voluntarily

laid up a further sum of one thousand pounds, out of the £2000 paid for the Hua block [that is minus the £1000 initially set aside for re-purchasing], to be expended in competing with the English settlers for additional land, when the block shall be thrown open for general selection.⁵³⁹

The large amount of land re-purchased by Te Atiawa from the Crown as Native reserves and as individual sections is an indication of how appealing the repurchasing scheme was to Te Atiawa hapu at a practical level. The most attractive aspect of the scheme for Te Atiawa was evidently the assurance in the deed that they would have a pre-emptive right to select their sections for re-purchase before the land was offered to the settlers for selection.⁵⁴⁰ A few weeks later McLean confirmed that selections had been made "in accordance with a pre-emptive right secured by the Natives in the deed of sale of the Hua purchase."⁵⁴¹ However, this did not amount to an altogether unconstrained choice of land. Cooper took measures to ensure that Te Atiawa were unable to select all the most desirable land at the seaward end of

⁵³⁸ Rogan to McLean, 19 January 1855, McLean Papers, MS-Papers-0032-0540, ATL, Wellington.

⁵³⁹ General report of Cooper to the Colonial Secretary, 29 August 1854, McLean Papers, MS-Papers- 0032-0126, ATL, Wellington.

⁵⁴⁰ Deeds - No. 15, Te Hua Block, Grey and Bell district, 3 March 1854, *Turton's Deeds*, Taranaki Province.

the block. In June 1854, he reported that he had "succeeded in carrying out to some extent the principal of parallel lines to regulate the Native and European selections, so that Maori will not have more than two-thirds of the best land."⁵⁴² Despite the fact that this may have been contrary to the expectations of hapu regarding the pre-emptive right of selection it was, if it was carried out, a generous share of the most viable land in the block. Cooper's 'parallel lines' initiative appears to have been, to some extent, a negotiated compromise. In discussing an attempt by a settler, William Hulke, to induce a Puketapu chief Raniera to sell a large area of fern land (presumably on the basis that Raniera was going to re-purchase it and then convey it to Hulke) it was reported that Cooper's appeal to Raniera "induced him to abide by his word to share the open land with the Europeans."⁵⁴³

Te Atiawa understood that not only did they have the right to first selection for land in the block using their £1000 purchase fund but also that those who had the cash could also purchase land in the block from the Crown. Cooper informed them that this was not the case, and that "those who have no share in the £1000 must wait till the Company's land orders are satisfied and that they can then come in and purchase in regular course."⁵⁴⁴ What portion of the £1000 should be allocated to whom caused considerable debate and division amongst Te Atiawa, and the Crown's interpretation of the extent of the pre-emptive right left others angry and dissatisfied.⁵⁴⁵

The other significant cause of frustration for hapu re-purchasing sections in the Hua block was the delay in the issue of Crown grants. As soon as Rogan finished the survey of the sections in June 1855 he submitted a plan showing each section with the claimant's names to Halse and to Carrington so that Crown grants could be made. A few days later McLean asked central government to instruct the Crown commissioner at New Plymouth to have Crown grants issued to Te Atiawa.⁵⁴⁶ However, nothing appears to have been done. In 1861 Robert Parris, who had

⁵⁴¹ Chief Commissioner to the Colonial Secretary, 19 June 1854, AJHR, 1861, Taranaki, C-1, No. 51, p 206.

⁵⁴² General report of Cooper to the Colonial Secretary, 29 April 1854, McLean Papers, MS-Papers- 0032-0126, ATL, Wellington.

⁵⁴³ William Halse to McLean, 22 July 1854, McLean Papers, MS-Papers-0032-0318, ATL, Wellington.

⁵⁴⁴ Cooper to McLean, 12 June 1854, McLean Papers, MS-Papers-0032-0227, ATL, Wellington.

⁵⁴⁵ Ibid.

⁵⁴⁶ Chief Commissioner to the Colonial Secretary, 19 June 1855, AJHR, 1861, Taranaki, C-1, No. 51, p 206. It unclear from this letter but it is likely that it was William Halse, the district commissioner of

replaced Cooper as district land purchase commissioner, reported that the reason that Crown grants had been delayed in the Hua block was because the surveyor had intended to take a road through some of the sections but faced opposition from the Maori owners of the sections. Parris argued that any attempts to issue grants before the road was laid off "may lead to difficulties and litigation hereafter."⁵⁴⁷ An 1862 schedule of Crown grants promised for land in the Hua block lists 1714.5 acres of land to be issued in Crown grants to a total of 70 individuals. Of these 70 individuals, only 27 (38.6 percent) can be shown to have received a Crown grant for sections in the Hua district, the names of the remaining 43 (61.4 percent) could not be traced to a Crown grant in this district.⁵⁴⁸ However, it is possible that many more people re-purchased lands than those listed on the 1862 schedule. When the Crown grant list for Taranaki was examined for all Maori who received Crown grants for land in the Hua district there are an additional 62 individuals who appear to have re-purchased sections in the Hua block.⁵⁴⁹ Such were the delays in issuing Crown grants that some did not receive them until the early 1880s.

The Implications of the Re-purchasing Policy for Visions of Assimilation and Citizenship

Introduction

Questions about how they might use their land, engage with British law, and construct concepts of citizenship now that British settlers and the new colonial State had arrived were the larger issues Te Atiawa communities were working through during the late 1840s and the 1850s.⁵⁵⁰ Both Ngamotu hapu and the Crown shared a desire for 'equality' between the two communities and for Maori to develop into a 'modern' people. But the means by which these conditions were to be reached depended upon two very different mechanisms. The Crown's

Crown lands and Octavius Carrington, surveyor, who were involved in processing Crown grants.

⁵⁴⁷ Parris to McLean, June 1861, MA-MLP-NP 1, pp 258-259, ANZ, Wellington.

⁵⁴⁸ The list of names on the 1862 list of Crown grants promised for re-purchased lands in the Hua block were cross-matched with the Taranaki Crown Grant list to determine the ratio of those promised Crown grants for re-purchased lands and those who actually received them. (*Taranaki Crown Grants: An Index to Land Records*, microfilm compiled by Noeline Carey, New Zealand Society of Genealogists, Auckland, New Zealand, c. 1991).

⁵⁴⁹ Admittedly some of these may be individuals who appear on the 1862 list under another name, but the majority are probably other individuals.

⁵⁵⁰ Much of the discussion that follows draws upon Lyndsay Head's recent work in which she pointed out the importance of issues of modernity and citizenship for 'friendly' Maori communities in this period. The essence of argument has been used here to propose a Ngamotu vision of their future that forms a reply to that being assumed by the Crown in its Native reserve policy in this period.

route to modernity, peace and equality was to be via assimilation; essentially Maori were to be absorbed into the dominant settler culture, economy and political framework. The route the Ngamotu hapu proposed to take to equality and modernity was to be via self-determination: retaining their rangatiratanga but creating a joint economic and social world with the settlers. It seems that the Crown failed to see this distinction and often presumed that because Ngamotu hapu embraced its fundamental prerequisites for modernity they were also willing to be assimilated.

The Crown's Perspectives

The provision of Native reserves through a re-purchasing policy embodied three prerequisites for the assimilation of Maori individuals into the Anglo-settler society. This trinity: individualised title, submission to British law, and the franchise, defined the means by which Maori individuals would be regarded by the Crown as 'full' British subjects and citizens, and by association it formed the Crown's notion of how Maori were to become modern.⁵⁵¹ Henry Sewell, Attorney-General and designer of the New Zealand Native Reserves Act 1856, summed up connections between individualised title and assimilation in 1857 when he gave his opinion that:

so long as they [Maori] remain in their present tribal state, you could do nothing with them; they are mere wanderers. If you can fix them upon portions of their land, and give them individual titles, you make settlers of them, you assimilate their condition to that of Europeans.⁵⁵²

Sewell's comments are indicative of the Crown's assumption that the communal model by which Maori organised their spiritual, social and economic world was utterly unsuited to the new world. Based on this assumption the Crown formulated policies designed to discard, or persuade Maori to discard, that model and replace it with a new structure founded upon individual ownership of property and the rights of a citizen in a democratic State.

As the settlers achieved responsible government from the mid-1850s, the extension of British law over Maori communities came to be regarded as an essential means by which Maori would

⁵⁵¹ McLean considered that the individualization of title would lead Maori "to take an interest (from being qualified to take part) in the political institutions of the Colony." (Chief Commissioner to the Colonial Secretary, 7 March 1854, AJHR, 1861, Taranaki, C-1, No. 40, p 198).

⁵⁵² Evidence of Sewell to a Select Committee on the New Zealand Company Loan, 7 July 1857, BPP, Vol. 10, I. 245, p 158.

become assimilated into the British settler society. Government officials explicitly linked the extension of British law to the extinguishment of Native (communal) title over blocks of land by purchase. In particular establishing control over Maori communities was considered impossible while they held land in Native title because:

The lands which are not as yet purchased from the Natives, are not under the control either of the general or the provincial legislature until they have been purchased from the Natives; they remain absolutely beyond the control of either the general or provincial legislature.⁵⁵³

It was understood that once a block of land was acquired "the Natives residing thereon become virtually incorporated with the European settlers, become amenable to English law, and imperceptibly recognise the control of the Government in their various transactions."⁵⁵⁴ In 1859, Governor Gore Browne considered that he had the right to "declare the Queen's law to be in force as far as the extreme boundary of the land over which the Native title is extinct."⁵⁵⁵ From this immediate control of the Maori population some Crown officials articulated a larger vision of the future. Taranaki Resident Magistrate Josiah Flight argued that settlers would never "have any solid peace or enjoy quietness in New Zealand until British law be proclaimed and maintained not only as supreme, but as the *only* one."⁵⁵⁶ Not only must Maori be "forced to submit" to British law they should "also be brought to feel that they enjoy the protection of our laws and government."⁵⁵⁷ In this way equality between Maori and settler would be established and they would have protection for "their persons and property."⁵⁵⁸ This, according to Flight, should ensure peace and Maori "would soon be found exerting a friendly rivalry in developing the resources of this fine country."⁵⁵⁹

The third element in the Crown's understanding of what Maori required to be assimilated was the right to vote, and thus to have some voice in the affairs of the colony. Most officials were of

⁵⁵³ Ibid, I, 114, p 150.

⁵⁵⁴ 'Memorandum Relative to the Organisation of the Native Land Purchase Department' [Donald McLean], 15 June 1854, *Turton's Epitome*, Auckland, A-1, No. 50.

⁵⁵⁵ Gore Browne to the Lord Stanley, 9 June 1858, *Turton's Epitome*, Taranaki, A-2, No. 22.

⁵⁵⁶ Flight to C W Richmond, 22 March 1858, in *The Richmond-Atkinson Papers*, G H Scholefield (ed), 1960, Vol. 1, p 372.

⁵⁵⁷ Ibid.

⁵⁵⁸ Ibid.

⁵⁵⁹ Ibid.

the opinion "that a Crown grant, or at least some sort of individual land tenure was a prerequisite for enfranchisement" although this was not authoritatively and categorically laid down until 1859 when the Crown Law Officers decided that not even householders could claim voting privileges in respect of land not held under a Crown title."⁵⁶⁰ In some quarters opinion was also expressed that Maori submission to British law should be regarded as a necessary condition for the franchise to be granted. A Taranaki newspaper editorial in 1858 considered that Maori should not "be admitted to the full exercise of the franchise" until they were "cognisant and amenable to our laws."⁵⁶¹ Only then, it argued, would it be appropriate for them to take part in the voting for the decision-makers who framed such laws. It followed that if Maori remained "in a tribal state" they were not yet ready for full franchise and so could not be "safely admitted to the full privileges of British subjects."⁵⁶² These arguments continued despite article 3 of the Treaty declaring Maori to be British subjects, and section 2 of the Native Rights Act, 1865 which deemed all Maori to be "natural-born subject[s] of Her Majesty to all intents and purposes whatsoever."⁵⁶³

Te Atiawa Perspectives

Ngamotu hapu can also be said to have held three particular conditions as fundamental to their view of how self-determination and modernity could be achieved. First, their concept of the future depended upon embracing and upholding peace. Head has argued that through Christianity, communities like the Ngamotu hapu had been taught that peace amongst iwi and hapu was the prerequisite for being 'civilised': for being 'modern'.⁵⁶⁴ Implicit in this foundation was the way in which "Christianity offered a model of governance where peace was protected by law, and where revenge was the responsibility of the state."⁵⁶⁵ This is important in illuminating one of the reasons Ngamotu hapu communities had for choosing to come under British law.⁵⁶⁶ Yet, not all members of the hapu held this view. There was an awareness by many of the connections between the selling of land and the extension of British control. Some

⁵⁶⁰ D G Herron, 'The Franchise and New Zealand Politics, 1853 – 58', *Political Science*, Vol. 12, No.1, 1960, pp 29 – 30.

⁵⁶¹ The *Taranaki Herald*, Editorial, 9 January 1858.

⁵⁶² Ibid.

⁵⁶³ The Native Rights Act 1865, No. 11, s. 2.

⁵⁶⁴ Head, 2001, p 102.

⁵⁶⁵ Head, 2001, p 103.

⁵⁶⁶ Wells, 1878, pp 175 – 176.

reportedly feared that the alienation of land and the extension of British law might work to reduce their autonomy and affect their ability to continue to hand down traditional use rights to their descendants. In 1856, McLean reported that many Maori had

a desire to maintain a portion of the country where they can assert their own independence, and they are anxiously concerned in reference to the inheritance of their children. The idea is that those Natives who have alienated their lands to the English have also alienated their nationality, and become subject to the power of the British.⁵⁶⁷

In parallel to this underlying ideology suggested by Head was the demonstrated desire of Ngamotu hapu to engage with the newcomers in their rohe and to share the space in a way that would benefit all parties. The ways in which Ngamotu hapu engaged with the settlers, the Company and eventually the Crown were grounded in concepts of tangata whenua/manuhiri relationships, and their associated rights and obligations. Inherent in these relationships were notions of rangatiratanga and mana which implied that Maori and Pakeha had an equitable relationship where the parties were inter-dependent but each would have a necessary degree of political and economic self-determination. From these assumptions and values sprang the Maori wish to be treated in the same manner as Pakeha settlers by the government. These may have been the underlying motivations of Te Atiawa in the Waiwakaiho and Hua blocks, and may account for their surprising initial enthusiasm for the re-purchasing scheme; and that this was read by the Government as an endorsement of the assimilation policies that this scheme aimed to facilitate.

These twin strands, a belief in both peace and relationships as the foundations of civil society, combined to produce a third: the idea that the place of settler and Ngamotu hapu communities could be tied together using the traditional device of whakapapa. Head's work suggests that by re-imagining and enlarging the concept of kinship, Ngamotu hapu could tie themselves and the settlers into a joint whakapapa where all were governed by British law which had its origins in the Christian God they shared and flowed down through the Queen, Governor and government.⁵⁶⁸ Combined, these three strands offer an explanation for the source of Ngamotu hapu notions of equality between themselves and settlers. Considered in this light, the

⁵⁶⁷ Evidence of McLean to a Board Appointed by His Excellency the Governor to Inquire into and Report upon the State of Native Affairs, 17 April 1856, BPP, Vol. 10, p 577.

apparent willingness of many Te Atiawa individuals to obtain Crown-derived title to land can be seen as both an expression of their desire to deal with their land as freely as settlers were able to, and a desire to participate as citizens in the decision-making process by obtaining the right to vote. This desire for equality with settlers is apparent in Te Atiawa dissatisfaction with the rate at which Crown grants for repurchased land in the Hua and Waiwakaiho blocks were being issued to them. It is also evident in their reaction to suggestions from government officials that their Crown grants should confer only limited property rights upon them.⁵⁶⁹

Utilization of Native Reserves in the Waiwakaiho and Hua Blocks, 1853 – 1858

As discussed in the previous chapter Te Atiawa were enthusiastic and successful participants in the developing capitalist economy in and around New Plymouth in the 1840s and 1850s. The Native reserves provided both land on which to cultivate a variety of crops for their own consumption and local trade and export and well as land which could be leased to settlers to provide an cash income and build and maintain co-operative economic and social relationships with particular settlers. Despite the difficulties associated with the allocation of Native reserves in the Waiwakaiho and Hua blocks at least some of these reserves were being used directly by Te Atiawa. In 1859 Benjamin Wells listed Te Atiawa communities and their assets noting that the people living at Mangati [on the Bell block], Te Hua and Waiwakaiho had 608 acres in cultivation, owned 53 horses, 144 horned cattle, 258 pigs, as well as 28 carts, 26 ploughs, 12 harrows and 3 threshing machines.⁵⁷⁰

Although over 40 percent (44.27 percent) of the Native reserves in these blocks consisted of economically viable suburban fern land and these accounted for nearly 65 percent (64.56 percent) of all suburban reserve acres in the study area. It is likely that very little if any of the

⁵⁶⁸ Head, 2001, pp 110 – 116, 120.

⁵⁶⁹ It is likely that Te Atiawa reaction was fueled by the experience of Wiremu Tako Ngatata, a chief of Ngati Te Whiti and Ngati Tawhirikura residing at Kumutoto at Wellington. In 1852, he had applied for and received a Crown grant for his reserve lands at Kumutoto. (Colonial Secretary to the Native Secretary, 26 January 1852, *Turton's Epitome*, D-31 and Chief Commissioner to the Colonial Secretary, 29 July 1854, *Turton's Epitome*, D-41). It may have been this land for which he received a grant for his and his wife's lifetime only in the early 1850s, when he reportedly, "threw down the useless piece of paper and exclaimed: 'You buy as much as you can of our lands and then try to cheat us out of the rest.'" (*The People of Many Peaks*, Vol. 1 (1769 - 1869), 1991, p 69).

⁵⁷⁰ H R Richmond to C W Richmond, 20 April 1851, in *The Richmond-Atkinson Papers*, G H Scholefield (ed), 1960, Vol. 1, p 93.

reserves were being leased to settlers before 1860. These were in reasonably sized blocks (around 50 acres) but were in a relatively economically marginalised location in relation to the settlement of New Plymouth. A map from early 1860 shows that these blocks were substantially underdeveloped with few roads and only a small coastal enclave of settler farmers, and the whole of the area inland of Devon Road was marked as "wild lands" (see Figure 10). This under-development was the result of a combination of circumstance: the 1850s Puketapu hapu disturbances and later settler fears of attack during armed conflict; the unresolved occupation of a large area adjacent to the Waiwakaiho by Te Puni and his people, and the still unissued Crown grants for reserves and sections in this block.

Conclusion

There was a significant development in the method of creating and allocating Native reserves in the Waiwakaiho and Hua purchase of 1853 – 1854. Te Atiawa agreed to re-purchase parts of the reserves created for them in the Waiwakaiho block and to use a portion of their purchase payment from the sale of the Hua block to re-purchase sections in that block in addition to the reserves named in the Hua deed. The re-purchasing scheme used to 'buy-back' land in these blocks from the Crown, created 'reserves' in Crown-derived title. This shifted the focus of Crown reserve policy away from assimilation by intermingling and emulation towards assimilation through Maori individuals holding title to land. This policy implied (and often promised outright) a right to select the re-purchased land where Te Atiawa wished before the block was opened to settlers. In reality however, hapu choices about the location and extent of re-purchased land were circumscribed by Crown officials whose regulation of the allocation of reserves and re-purchased land was motivated by a variety of political considerations associated with land settlement.

The wider context of this policy was the Crown's underlying assumption that a state of modernity in which there would be peace and equality between the cultures relied upon the assimilation of Maori. By the 1850s it was considered that assimilation depended upon persuading Maori to abandon their communal social model and replacing it with one founded upon individual property and citizenship rights. This new model had three principal components: individual land titles, submission to British law, and franchise. At the same time Te Atiawa were concerned with their future in this new world and continued to pursue their own

vision of modernity. Like the Crown they were concerned with economic and political equality with the settlers, but in contrast to the policies of the Crown they regarded their future as one governed by self-determination rather than assimilation. Peace protected by British law was to be coupled with relationships with settlers in which Maori and Pakeha would be autonomous and equal, but share the resources and benefits of the land and of British culture with one another. Outwardly Te Atiawa goals were so similar to those of the Crown that the Crown often mistook their acceptance of aspects of its Native reserve policy as signs of their desire to be assimilated. The variety of ways in which land was 'reserved' in these blocks and their exact legal status was to cause considerable confusion to the commissioners who would begin administering them from the late 1850s.

Chapter 5: The New Zealand Native Reserves Act 1856, Te Atiawa and the beginning of the Commissioners' Administration

Introduction

The New Zealand Native Reserves Act 1856 represented the Crown's first systematic and statutory process for the management of Native Reserves. Its passage so early in the life of New Zealand's parliament suggests that some urgency was felt amongst settler representatives regarding the introduction of an effective system of administration. Therefore, the reasons for this urgency and how these reasons translated into the provisions of the Act require further exploration in the context of the Crown's use of Native reserves as a primary means of civilising and assimilating Maori. The way in which the Act defined Native reserves is particularly significant in light of the prevailing confusion about their purpose and legal status. But these definitions also had consequences for the way that the commissioners later appointed under the Act in Taranaki approached their administration of the reserves in the province, forcing them to confront the issue of whether Native title over the reserves in the Taranaki had been extinguished or not.

The assessment of the commissioners in Taranaki was that their immediate task was to bring the Native reserves under the operation of the Act with the assent of the Te Atiawa inhabitants of the particular reserves. The procedures they used to gain these assents and the consequences of those assents for the legal status of the reserves illuminates something of the gap between the theory of the Act and its practical application in a particular local context. A statistical analysis reveals the pattern of reserves coming under the Act over time and an explanation of these patterns can be found in an examination of the commissioners' approach to this task, the circumstances which assisted them, and those which constrained them. Of particular significance in this province was the constraining effect of periods of war and unrest and Te Atiawa mistrust of the commissioners and their process. These factors need to be weighed against the way in which relationships between the commissioners and Ngamotu communities and Te Atiawa-settler arrangements to lease the reserves contributed to reserves being brought under the Act. The weighing of all of these various factors provides some insight into both the role the commissioners in Taranaki actually took in administering the reserves

and the reasons why Te Atiawa brought so many of their reserves under the Act. A statistical comparison of the reserves under the Act and those which remained in Te Atiawa control is able to test the hypothesis that settler pressure for suburban reserve land to lease had a significant impact upon Te Atiawa decisions about which reserves to bring under the Act. Having brought a number of reserves under their administration the commissioners faced pressure from central government to issue Crown grants to Maori for reserves. Again the reasons why Crown grants were issued for reserves in Taranaki and the number and location of those reserves held under Crown grant illustrates the ways in which local circumstances shaped the Crown's administration of the reserves.

The New Zealand Native Reserves Act 1856 and the Native Reserves Amendment Act 1862

The Origins of the New Zealand Native Reserves Act 1856

The New Zealand Native Reserves Act 1856 was the first statute to define what Native reserves were, and to set in place a mechanism for their management. It was passed early in the life of the colony's parliament, which was established in 1854 after the grant of representative government under the New Zealand Constitution Act 1852 (and the establishment of provincial government in 1853).⁵⁷¹ The General Assembly was composed of politicians representing local settlers, and so must have been well aware of the limitations upon provincial governments' power to pass legislation to control Native reserves, and the sort of frustrations that such limitations had caused in provinces like Taranaki. Although the Constitution Act allowed provincial councils to pass ordinances for "the peace, order and good government" of the province it forbade them from making laws "affecting lands of the Crown, or lands to which the title of the aboriginal Native owners has never been extinguished."⁵⁷² In essence, they could only pass legislation affecting private property held under a Crown grant.

So when the General Assembly met in 1856, after having been able to accomplish little when it first met in 1854, some of the first pieces of legislation it passed were to regulate Native land. The New Zealand Native Reserves Act 1856 was rapidly followed by the Native Territorial

⁵⁷¹ The New Zealand Constitution Act 1852.

⁵⁷² Ibid, s. xviii and s. xix respectively.

Rights Act 1858 (later disallowed), and the Native Lands Act 1862.⁵⁷³ Each of these Acts contained provisions for the individualisation of title to Native land, though their powers were circumscribed. Once a Crown grant was issued to individual Maori, the collective Native title was extinguished; the land ceased to be Native land and became ordinary fee-simple privately owned land. It could then be directly leased or purchased by settlers from Maori and had the added benefit of being able to be regulated by provincial ordinances. At a time when the Crown was experiencing increasing difficulty in purchasing large blocks of land from Maori the prospect of being able to legislate for the issue of Crown grants to Maori for unsold Native land and Native reserves held great appeal to the settlers as a quick way of getting Native land into the market.

The settler representatives' overriding concern with the land issue may explain the general trend in the legislation they introduced in the first few years of the parliament's life, but it does not explain why the relatively obscure group of lands known as Native reserves came to be the target of legislation. Not enough is known about who called for the Act to be drawn up, but from the journals of Henry Sewell, the Attorney General, who framed the Act, it is clear that one of the chief concerns of government at this time was reducing the financial burden of Native affairs on the country's revenue. Native reserves may have been legislated for so rapidly because they were perceived as being one area where all that was needed to generate a revenue stream was an effective system of management.

Sewell's discussion of the position of Native reserves concentrated on the issue of income generation and on individualising title to the reserves in order to assimilate Maori. Sewell agreed with the prevailing settler opinion that the Native reserves had been poorly managed but, unlike settlers in New Plymouth, he did not conclude that poor management had arisen from a surplus of Native reserves.⁵⁷⁴ Instead his legal training led him to argue that a lack of such legislation at the time the reserves were created had resulted in "no care [having] been

⁵⁷³ Ward, 1973, pp 107-108.

⁵⁷⁴ The *Taranaki Herald*, 3 December 1856. Settler opinion as reflected in national and local newspapers suggests that there was a widespread feeling that a new system for managing the Native reserves was needed. The editor of the newspaper the *New Zealander* commented that the need for measures for managing Native reserves had long been felt (The *New Zealander*, 28 June 1856).

taken to provide for their legal management."⁵⁷⁵ He described the reserves as being "left utterly without regulation" and as lying "scattered all over the colony [as] undefined and unmanageable wastes."⁵⁷⁶ He asserted that this had resulted in the reserves being in "a state of utter neglect"⁵⁷⁷ or being misused, as "instrumental to some purposes of [Government] jobbery."⁵⁷⁸

Beneath Sewell's immediate observation about the deficiencies in Native reserves management lay a belief in the necessity and desirability of assimilating Maori into the settler culture. Sewell considered that if the reserves were properly managed there "ought to be an ample fund for all Native purposes."⁵⁷⁹ The dream of Native affairs being self-funding through the reserves had begun with the creation of Company tenths and the earliest attempt by the Crown to manage them under trustees to generate rents which would pay for institutions – schools, hospitals and hostels to facilitate the assimilation of Maori. With a new settler parliament that was reluctant to grant the Governor more money for Native affairs the need to generate and use revenues from Native reserves for these purposes was a particularly strong pressure at the time Sewell was framing the Act.⁵⁸⁰ In July 1856, C W Richmond, the Native Minister, urged Governor Gore Browne to be "looking to a proper system of management of the Native reserves as an eventual substitute and a means of relieving the Civil List from that charge [i.e. funding Native affairs]."⁵⁸¹ Sewell, no doubt aware of these debates, complained that institutions for Maori had been funded from the colony's income and even worse had been wasteful and ineffective.⁵⁸²

Aside from the practical need and political expediency of generating enough funds to relieve the State of the burden of financing facilities for Maori, Sewell's overriding ideological concern was how the reserves might best be dealt with in order to individualise their title. Sewell was

⁵⁷⁵ Sewell journal entry, 21 September 1855 in *The Journal of Henry Sewell 1853–7*, W David McIntyre (ed), Vol. II, Whitcoulls Publishers, Christchurch, 1980, p 178.

⁵⁷⁶ *Ibid.*

⁵⁷⁷ *Ibid.*

⁵⁷⁸ *Ibid.*

⁵⁷⁹ *Ibid.*

⁵⁸⁰ Ward, 1973, p 93.

⁵⁸¹ C W Richmond to the Governor, 23 July 1856, BPP, Vol. 10, p 633.

clear that the most important power of the Act was the ability to give Maori "lands in severalty; so taking the first step to lift them out of their present merely animal state of communism, into the position of civilised communities, starting from the 'family' as the social unit."⁵⁸³ When later questioned before a select committee of the House of Commons, Sewell was of the opinion that this was "the most important and indeed only way of preventing their [Maori] extinction."⁵⁸⁴ Further elaborating, he stated that their assimilation depended upon settling them "upon portions of their land" and giving them "individual titles."⁵⁸⁵ The processes outlined in the Act: the assent of Maori inhabitants to bringing their reserves under the operation of the Act, the extinguishment of Native title over the land, and the issue of Crown grants were, to Sewell, a complete mechanism to achieve this ultimate goal.⁵⁸⁶ Therefore, it would seem that the Act was primarily concerned with assisting in the transformation of Maori into westernized individuals holding small sections of land in a grant from the Crown. In other words, Native reserves were considered as merely a transitional phase between customary, communal Native title and Crown-derived, individual title.

Parliamentary Debate Surrounding the New Zealand Native Reserves Bill

The record of the parliamentary debate on this Bill is very brief, and a search of newspapers for the period did not produce a fuller account. This is rather a mystery considering that the chairman of the Legislative Council committee remarked that, "he was exceedingly happy to see the great and lengthy consideration that has been bestowed upon it. No Bill had as yet engaged so much of the time of the Council."⁵⁸⁷ Despite this lengthy debate only minor amendments were made to the majority of the Bill's provisions in committee. C W Richmond seemed to sum up the general feeling when he wrote that:

The Native Reserves Bill passed through the House of Representatives with its unanimous assent. It is generally regarded as a very valuable measure, no less as

⁵⁸² Sewell journal entry, 29 June 1856, in *The Journal of Henry Sewell 1853 -7*, McIntyre (ed), Vol. II, 1980, pp 251-252.

⁵⁸³ Ibid. Property held in severalty being defined as "belonging to one person where the share of each person can be ascertained and the other owners excluded from it." (Peter E Nygh and Peter Butt (eds), *Butterworths Concise Australian Legal Dictionary*, 2nd ed., Butterworths, Sydney, 1998).

⁵⁸⁴ Evidence of Sewell to a Select Committee on the New Zealand Company Loan, 7 July 1857, BPP, Vol. 10, I. 244, p 158.

⁵⁸⁵ Ibid, I. 245, p 158.

⁵⁸⁶ Ibid, I. 236, p 157.

⁵⁸⁷ 3 July 1856, NZPD, 1856 - 1858, p 251.

conducive to the elevation of the Natives and providing for their requirements, than on the grounds of general policy.⁵⁸⁸

This seems to signal a general consensus that the mechanism outlined in the Bill would indeed provide the effective system of reserves management being called for.

The actual provisions of the Bill were somewhat overshadowed in debate by the overwhelming concern shown about the section of the Bill that dealt with the power of the Governor. Section 18 of the Bill, which stated that "Every act which is authorised or required to be done by the Governor under this Act shall be done only with the advice and consent of the Executive Council of the Colony", was hotly debated. Governor Gore Browne had confirmed that he would retain control of 'Native affairs' in the belief that this was necessary for the sake of the peace and stability of the colony.⁵⁸⁹ As a result those opposed to the wording of the section as it stood simply stated that it impinged on the sole power of the Governor over Native affairs. Those who supported the section as it stood fought against the removal of the part of the clause which would give the ministry the ability to regulate the power of the Governor, with all that implied for increased settler control of decisions relating to land. They argued that Native reserves did not qualify as Native affairs, and therefore should not automatically fall within the Governor's sole control.

It was in this context that the Bill was described as not being "a Native question." The reserves themselves, it was argued were either lands "to be placed under trusteeship", lands "which did not belong to the Natives" or waste lands of the Crown which the New Zealand Constitution Act 1852 specifically stated were to be controlled by the General Assembly.⁵⁹⁰ The Governor refuted the argument that Native reserves were waste lands of the Crown, stating that by definition waste lands were only those lands "which have been acquired from the Natives and transferred to the local Government, over which the Governor's responsible advisers have full

⁵⁸⁸ C W Richmond to Governor Gore Browne, 23 July 1856, BPP, Vol. 10, pp 632 - 633.

⁵⁸⁹ This also had the advantage of ensuring that the expense of defending the colony remain with the Colonial Office and did not create an insupportable financial burden on the fledgling New Zealand State. Dalton, 1967, pp 38 - 39.

⁵⁹⁰ Thomas Houghton Bartley (member for Auckland) and Frederick Whitaker (member for Auckland), 3 July 1856, NZPD, 1856 - 1858, p 250 - 251 and C W Richmond to the Governor, 23 July 1856, BPP, Vol. 10, p 633 respectively.

power."⁵⁹¹ Although such arguments were utilised in the course of this wider struggle for power between the Governor and the ministry they also indicate something of members' understandings about the purpose and status of Native reserves. If read in this light they reflect the ambivalent legal position Native reserves held at this time.

The Provisions of the New Zealand Native Reserves Act 1856 and the Native Reserves Amendment Act 1862

Despite debate about the relative degree of power that the New Zealand Native Reserves Act 1856 Act gave to the Governor and to the settler ministry the immediate decision-making authority over Native reserves was to be vested in the district commissioners appointed under the Act. The Act provided for their appointment by the Governor; gave them legally enforceable powers to dispose of and manage Native reserves; and set in place processes by which these officials were able to exercise those powers. Each commission was to have no fewer than three commissioners appointed to conduct business under the Act.⁵⁹² The commissioners were then permitted to appoint their own clerks.⁵⁹³

The provisions of the Act indicate that the commissioners ultimately were to be responsible to the Governor. The commissioners for each district were required to publish an annual report in the provincial gazette giving an account of revenue and expenditure, and the Governor was authorised by the Act to appoint an auditor of such accounts.⁵⁹⁴ It appears that although they were ultimately responsible to the Governor, the commissioners were under the supervision of the Native Department, headed after August 1856 by Donald McLean with T H Smith as his Assistant Native Secretary.⁵⁹⁵ McLean could still be instructed directly by the Governor and dismissed by him. However, as heads of government departments generally did, McLean passed all correspondence through the ministers to the Governor. This gave the settler ministers access to information about Native reserve decisions.⁵⁹⁶

⁵⁹¹ 'Memorandum by Responsible Advisers on Native Affairs', 29 September 1858, BPP, Vol. 11, pp 36 – 51.

⁵⁹² The New Zealand Native Reserves Act 1856, No. 10, ss. 1 - 2.

⁵⁹³ *Ibid.*, s. 3.

⁵⁹⁴ *Ibid.*, s. 11 and s. 12 respectively.

⁵⁹⁵ One of the few surviving circulars to Native Reserves Commissioners was written by T H Smith in his capacity as Assistant Native Secretary (Thomas H Smith to Commissioners of Native Reserves, Taranaki, 23 April 1857, MA 4/3, circular 139, pp 93 - 95, ANZ, Wellington).

The Act made no provision for Maori involvement in the management of the reserves nor was there any legal requirement for Maori wishes to be considered in decisions about the disposal, by lease or sale, of Native reserves. In some places, notably in Wellington, the Governor did appoint Maori leaders as commissioners. This was a rarity, and none were appointed in Taranaki. The paternalistic attitude of Sewell probably accounts for Maori being excluded from the management of their reserves. Sewell expressed the opinion that the Native reserves "belonged to the Crown; and were vested in the Crown for the benefit of the Natives, just as if they were infants or lunatics, not having legal capacities."⁵⁹⁷ This exclusion of Maori from the statutory mechanisms for administering Native reserves was particularly problematic given that commissioners were "usually local settlers" who were likely to be influenced by or subscribe to views prominent in settler and governing circles.⁵⁹⁸ In particular commissioners were exposed to the notion that Maori ought to be encouraged to sell all their 'surplus lands', and to hold land in a Crown grant which could be easily alienated.

The integrity of the commissioners was particularly important given the scope of their activities and the procedures that they were required to follow laid out in the 1856 Act. Section 6 of the Act defined these powers of "full management and disposition" as the ability to "exchange absolutely, sell lease or otherwise dispose of such lands in such manner as they in their discretion shall think fit, with a view to the benefit of the aboriginal inhabitants for whom the same may have been set apart."⁵⁹⁹ Although the word 'trust' does not appear anywhere in the Act, and the word 'trustee' appears only once in relation to commissioners appointing trustees for endowment lands, the wording of this section required the commissioners to exercise their powers of management and disposal in a way which "benefits" the Maori for whom the reserve or reserves in question had been set apart.⁶⁰⁰ This implied that there was some conception of the management of reserves as a trust-like arrangement. The evidence for such an intention amongst government ministers is extremely slender. Remarks by the chairman of the Legislative Council committee, in the course of the debate on the Act, suggest that at least some parliamentarians considered the Governor was the trustee for Maori in regard to the

⁵⁹⁶ Dalton, 1967, p 38.

⁵⁹⁷ Sewell journal entry, 4 April 1853, in *The Journal of Henry Sewell 1853-7*, McIntyre (ed), Vol. I, 1980, p 229.

⁵⁹⁸ Ward, 1973, p 93.

⁵⁹⁹ The New Zealand Native Reserves Act 1856, No. 10, s. 6.

reserves, rather than the commissioners themselves.⁶⁰¹ However, Johnson concluded that these phrases in the Act "denoted an implied trust relationship."⁶⁰² He may have overstated the case by arguing that "the power to alienate land violated the fundamental trust relationship" between the Crown and Maori.⁶⁰³ However, he was more justified in concluding that, "it is difficult to reconcile the realities of permanent alienation with the professed intentions of beneficial administration of Maori reserves and the Government's fiduciary duty."⁶⁰⁴

The potential for the Governor, the ministers and commissioners to act, wittingly or unwittingly, against the interests of Maori in dealing with reserves was far more apparent in the Native Reserves Amendment Act 1862 which remained in force until it was repealed by the Native Reserves Act 1882.⁶⁰⁵ The 1862 amendment Act revoked the powers vested in commissioners under the 1856 Act and placed all their powers in the Governor. However, the Governor could and did appoint commissioners in the provinces.⁶⁰⁶ The Imperial Government considered that without some control on the Governor as a trustee the risk of harm was considerable. The Colonial Office was seriously concerned that the 1862 Amendment Act effectively made the Governor the sole uncontrolled trustee of the reserves. The Duke of Newcastle expressed his concern to Governor Grey in 1863, comparing this trust with the standards of trusteeship in England and finding it wanting:

Even in England it is thought necessary that the administration of any important trust, affecting the management of large landed property, should be vested in some permanent body unaffected by the politics of the day, and it would be held very unsafe to vest such a trust in the ministry for the time being.⁶⁰⁷

⁶⁰⁰ Ibid, s. 8.

⁶⁰¹ 3 July 1856, NZPD, 1856 - 1858, p 251.

⁶⁰² Johnson, 1997, p 26.

⁶⁰³ Ibid.

⁶⁰⁴ Ibid.

⁶⁰⁵ The record of debate around this Act gives no details as to the reason for this amendment. (NZPD, 1861 - 1863, pp 591, 605, 638, 659, 663, 668 and 1862 votes and proceedings, AJLC, 1862, p 60).

⁶⁰⁶ It is uncertain why the Governor revoked the commissioners' powers at this point. Commissioner George Swainson, a Native Reserves Commissioner in the Wairarapa indicates that it was the continual threats of resignation by Native Reserves Commissioners who held other official positions and did not have time and resources to do the job properly which prompted this change in the legislation. (Swainson to the Native Minister, 21 May 1866, *Turton's Epitome*, D-103) However, Butterworth and Butterworth argued that it was the sale of a Native reserve to one of the commissioners at New Plymouth and similar abuses of power by commissioners elsewhere which prompted the law change (G V Butterworth and S M Butterworth, *The Maori Trustee*, The Maori Trustee, Wellington, 1991, p 11).

⁶⁰⁷ The Duke of Newcastle to Grey, 26 February 1863, *Turton's Epitome*, D-84.

He believed that the risks were even higher in New Zealand because of "the nature of the peculiar trust, which lies especially exposed to the varying impulses of popular feeling, and, if unjustly or even inconsistently administered, may rouse the most dangerous kind of discontent."⁶⁰⁸ Despite these grave doubts the Act was given assent.

The Appointment of Commissioners of Native Reserves for Taranaki

Although the New Zealand Native Reserves Act was passed in 1856 it was not until April 1858 that Robert Parris (district land purchase commissioner), George Cutfield (superintendent of the province), Henry Halse (inspector of police) and John Whiteley (Wesleyan Methodist missionary) were appointed as Native reserves commissioners for the province of Taranaki.⁶⁰⁹ Josiah Flight (resident magistrate) was later appointed to assist them in their work as commissioners. The commissioners already knew one another and had worked with one another in a variety of official and private spheres before they were appointed as commissioners.⁶¹⁰ In fact they had become thoroughly enmeshed in local society, forming a network of alliances amongst themselves and with other settlers. In small, isolated, predominantly agricultural communities like New Plymouth these relationships enabled men to prosper in business, farming and politics, in churches and in the military.⁶¹¹ It was common for men to gain employment through family and friends and such networks were invaluable for making a living because the market for official and professional positions was competitive.⁶¹²

Given this context it is not surprising that these men recommended one another for the position and that this appears to have had a considerable impact on the appointments. After reading about the passage of the New Zealand Native Reserves Act in the newspaper in July

⁶⁰⁸ Ibid.

⁶⁰⁹ *New Zealand Gazette*, No. 12, 1858, p 56.

⁶¹⁰ Robert Parris, Josiah Flight, Henry Halse and John Whiteley were all involved in the series of 1850s disputes within Puketapu hapu, north of New Plymouth (Wells, 1878, pp 158 – 165).

⁶¹¹ Margot Fry, *Tom's Letters: The Private World of Thomas King: Victorian Gentleman*, Victoria University Press, Wellington, 2001, pp 11 and 77. Rollo Arnold argued that New Plymouth more than any other Company settlements remained a predominantly agricultural settlement, and the pattern of the bush/country/town economic region, a distinctly New Zealand pattern, was clearly defined and persisted around New Plymouth longer than in other Company settlements (Arnold, 1994, p 183).

⁶¹² Fry, 2001, pp 74 – 75. Also see Raewyn Dalziel, 'Emigration and Kinship: Migrants to New Plymouth, 1840 – 1843, NZJH, Vol. 25, No. 2, 1991, pp 112 – 128 for discussion regarding kinship bonds amongst New Plymouth settlers.

1856, Flight wrote to McLean to express his opinion that what was needed were men who had a thorough knowledge of Maori language and customs.⁶¹³ He suggested that the resident Wesleyan Methodist missionary, Henry Hanson Turton was a suitable person, if he could be persuaded not to return to England.⁶¹⁴ In November the following year, Cutfield wrote recommending that Whiteley (who had succeeded Turton at the Wesleyan mission at Ngamotu) be appointed.⁶¹⁵ Whiteley was offered the position the following month (Cutfield had already been appointed) and he in turn recommended that the other commissioner be Flight, Parris or Halse.⁶¹⁶ Whiteley later admitted that he considered Flight to be the most suitable candidate because the others all had an "official connexion ... with Native affairs."⁶¹⁷ It appears that Flight was not appointed because C W Richmond who made the formal recommendation to the Governor had already put Parris' and Halse's names forward before he became aware of Whiteley's strong preference for Flight's appointment.⁶¹⁸ In any case, Richmond thought this was probably for the best because as resident magistrate Flight "may often have cases in his court in which the commissioners will be interested."⁶¹⁹ It appears that McLean then appointed Flight "to obtain the assent of the Natives to their reserves coming under the operation of the Act" and Whiteley wrote to McLean supporting Flight's employment in this latter capacity.⁶²⁰

The Legal Status of Native Reserves and the Work of the Native Reserves Commissioners in Taranaki

Legal Status of Native Reserves and the New Zealand Native Reserves Act 1856

The 1856 Act distinguished between reserves over which Native title had been extinguished and those over which it remained. In common law Native or aboriginal title was (and is) a pre-existing tribal property right which continued to be defined by Maori customary practices and

⁶¹³ Flight to McLean, 27 July 1856, McLean Papers, MS-Papers-0032-0276, ATL, Wellington.

⁶¹⁴ Ibid.

⁶¹⁵ Cutfield to McLean, 9 November 1857, McLean Papers, MS-Papers-0032-0239, ATL, Wellington.

⁶¹⁶ Whiteley to McLean, 17 December 1857, McLean Papers, MS-Papers-0032-0634, ATL, Wellington.

⁶¹⁷ Whiteley to C W Richmond, 2 January 1858, in *The Richmond-Atkinson Papers*, G H Scholefield (ed), 1960, Vol. 1, p 335.

⁶¹⁸ C W Richmond to Whiteley, 28 January 1858, in *The Richmond-Atkinson Papers*, G H Scholefield (ed), 1960, Vol. 1, p 342.

⁶¹⁹ Ibid.

⁶²⁰ Whiteley to McLean, 22 December 1858, McLean Papers, MS-Papers-0032-0634, ATL, Wellington.

was not affected by the general introduction of English law.⁶²¹ Neither were Native title and its inherent bundle of property rights displaced or extinguished by the Crown's acquisition of sovereignty in New Zealand.⁶²² The 1856 Act defined Native reserves as "lands [that] have been and may hereafter be reserved and set apart for the benefit of the aboriginal inhabitants thereof."⁶²³ Those reserves over which Native title had already been extinguished were defined as having been "reserved or set apart for the benefit of the said aboriginal inhabitants." The Act empowered commissioners to administer these reserves immediately.⁶²⁴ Reserves over which Native title had not been extinguished could include not only those that had been "reserved or set apart" for the benefit of Maori inhabitants but also cases "where upon any sale of lands by Natives a certain portion of the district sold shall have been or shall be specially excepted out of such sale." The Act required the commissioners to obtain the assent of the inhabitants of these reserves to bring the reserves under the operation of the Act.⁶²⁵

These distinctions were important to the work of the Taranaki commissioners because they determined whether the commissioners could simply administer the reserves or whether they had to begin instead to gain the assent of the Maori inhabitants of the reserves to bring them under their administration.⁶²⁶ While the reserves remained in Native title they remained in Te Atiawa ownership and control. In theory at least, Te Atiawa were free to exercise the full range of property rights over them. Once district commissioners had a number of reserves under their administration they could administer the reserves in ways which would assist the assimilation

⁶²¹ The New Zealand Constitution Act 1852 defined Native land as "land of or belonging to, or used or occupied by them [Maori] in common as tribes or communities" (The New Zealand Constitution Act 1852, s. 73).

⁶²² McHugh, 1991, p 97. Nevertheless, Native title and its entailed property rights was entitled to protection under the common law and could be extinguished in only two ways. First, the Crown may extinguish it by statutory means, or secondly it may be relinquished by the Native owners in the process of selling land to the Crown (McHugh, 1991, p 135).

⁶²³ The New Zealand Native Reserves Act 1856, No. 10, preamble. Although it was intended to apply to all Native reserves, some were subsequently ruled as not coming under the Act. The status of the McCleverty reserves made for Te Atiawa in Wellington was confused. However, the Attorney General ultimately ruled that they were not Native Reserves "within the meaning of the New Zealand Native Reserves Act 1856" (The Native Reserves Commissioners to the Attorney General, 23 June 1859, *Turton's Epitome*, D-63). In later Acts, where a definition of Native reserves was required, up to ten specific categories of reserves were defined by the circumstances or processes of their creation (The Native Lands Act 1865, No. 71 and the Native Lands Act 1867, No. 43).

⁶²⁴ The New Zealand Native Reserves Act 1856, No. 10, s. 6.

⁶²⁵ *Ibid.*, s. 14.

⁶²⁶ *Ibid.*

of Maori. In particular they could begin leasing the reserves, collecting the rents and applying them to the building of schools, hostels and hospitals, or issuing Crown Grants to Maori.

The Legal Status of Native Reserves in the FitzRoy, Omata and Grey Blocks

The Taranaki commissioners were quite sure that the Native reserves in the FitzRoy, Omata and Grey blocks remained in Native title. In 1858, they stated that: "the Native title subsists over nearly the whole of the reserves, only 37 acres having been alienated to the Government."⁶²⁷ The commissioners' certainty about the legal status of the reserves in the FitzRoy, Omata and Grey blocks was unusual at a time when there was a remarkable level of confusion amongst Crown officials over the issue. They were confused both about what Maori understood the nature of the title to reserves to be and about the actual legal status of the reserves.⁶²⁸ The situation was complicated further in Taranaki by the overturning of the New Zealand Company's 'purchase' and the creation of the FitzRoy block. At the time of the FitzRoy agreement in 1844, the technical position was that the Native title in Taranaki land had been extinguished by the New Zealand Company's purchases. But the Crown did not enforce this extinguishment; therefore the FitzRoy agreement was treated as a purchase, which extinguished the Native title of land within the boundaries of the FitzRoy block.⁶²⁹ The Omata, Grey, Waiwakaiho and Hua deeds all had the legal character of deeds of cession.⁶³⁰

The primary question with regard to the legal status of the Native reserves within these purchase blocks was did the reserves remain in Native title or had that title been extinguished?

⁶²⁷ 'Report of the Commissioners at New Plymouth', 26 June 1858, AJHR, 1858 E-4, p 12. Comments at the end of this report indicate that the report dealt only with the reserves in the 'town' blocks. Therefore their certainty about the legal status of the reserves applied only to those in the 'town' blocks.

⁶²⁸ This uncertainty is demonstrated by the way that McLean's request to Henry St Hill, formerly a Crown appointed administrator of Native reserves in Wellington, in 1852 to find out, "In what light do the Natives regard those reserves, that is do they consider that their title to them has been extinguished or not, or would they suppose that they have only a right to those they are actually occupying" (McLean to St. Hill, 18 July 1852, qMS-1194, ATL, Wellington).

⁶²⁹ The Crown deemed the Native title to be extinguished over all the land in the Company's original deed, which left the way open for the Crown to take up the difference between the Company's original claim and that granted to it as wasteland of the Crown. However, the political reality in Taranaki made it impossible for the Crown to enforce its title to this 'wasteland'. Alan Ward argued that the Crown realised that the 'social cost' of trying to enforce this claim was likely to be high and that it would be wiser to let it 'revert' to Maori (Ward, 1997, pp 87 – 88).

⁶³⁰ Deeds - No. 7, Omata Block, Omata District, 30 August 1847; Deeds - No. 8, Grey Block, Grey and Bell District, 11 October 1847; Deeds - No. 14, Waiwakaiho to Mangati Block, Grey and Bell District, 16 January 1854 and Deeds - No. 15, Te Hua Block, Grey and Bell District, 3 March 1854 all in *Turton's Deeds*, Taranaki Province.

The effect of a deed of purchase was to extinguish the Native title of any land included within the purchase. Native reserves lay physically within the boundaries of the blocks of land purchased, but did this mean that the title over them was extinguished? For Crown officials in the 1850s there appeared to be no simple answer to this question. The case of Richard Brown, accused of depasturing sheep on part of Moturoa Native Reserve in April 1855, demonstrates the range of opinions held on the legal status of Native reserves by Crown and local government officials and settlers. The inspector of police, Henry Halse, had laid the charge against Richard Brown under the Native Land Purchase Ordinance 1846 in response to a public notice issued by the Superintendent of the Province, Charles Brown. That notice declared that the lease of Native reserves was illegal under the Constitution Act 1852 because that Act prohibited all dealings with Native land, which it defined as 'the property of tribes or communities.'⁶³¹

There was considerable debate about whether this definition and prohibition could be said to apply to Native reserves. In contrast to the superintendent's opinion, the Land Purchase Commissioner G S Cooper considered that the Act was "intended to apply only to lands the Native title to which has not been extinguished, and the Native reserves within purchased districts would not have been contemplated as coming within its meaning."⁶³² The provincial solicitor stated that the Moturoa reserve was "kept back by the Natives [at the time of the sale] with the concurrence of the government for their own use," therefore "this collective title subsisted unaltered in the reserve."⁶³³ The editor of the *Taranaki Herald* later expressed the opinion that "the ordinance was enacted to prevent the Natives obtaining a revenue from lands they refused to sell, not to prevent them letting their reserves."⁶³⁴

There was some official recognition for the position that purchase had not extinguished the Native title over Native reserves within the purchase blocks. In 1858, Governor Gore Browne

⁶³¹ Parsonson, 1991, p 195.

⁶³² Cooper to the Colonial Secretary, 19 June 1854, *Turton's Epitome*, D-42.

⁶³³ Parsonson, 1991, p 196. The provincial attorney re-examined the case several months later and concluded that there had been "no transfer of the lands comprised in that reserve to the Crown" and that the reserves "appeared to have been simply excluded from the purchase. The original title would therefore remain unextinguished." (The *Taranaki Herald*, 5 January 1856 reporting on meeting of the provincial council on 20 December 1855).

⁶³⁴ The *Taranaki Herald*, 10 January 1857.

implied that his understanding was that Native reserves were excepted from the sale and therefore remained in Native title. He confessed that he was "most anxious to acquire land at New Plymouth" and could foresee "no permanent peace until the Native title is extinguished (*with [the] exception of the necessary reserves*) over all the lands between the town and the Waitara River" [emphasis added].⁶³⁵ McLean also appears to have been of the opinion that the reserves had been excepted from the sale, he reported that "ample reserves have been excepted by them for their own use, and those are generally occupied by them."⁶³⁶ However, on another occasion McLean implied that the process of creating Native reserves was intended to extinguish the existing customary right to the use of land and resources.⁶³⁷ A 1900 schedule of Taranaki Native reserves would also appear to support the view that Native title remained over the reserves. The schedule has a column headed "State how such lands became Native reserves – viz., by grant from the Crown, or by being exempted from surrounding lands sold or ceded."⁶³⁸ All these reserves in the 1844 to 1847 purchases were described in this column as having been made by Maori exempting them from the purchase block.

By entering arrangements with Te Atiawa to lease or use Native reserves at New Plymouth settlers also implied that they regarded Te Atiawa as having retained title over the reserves. In 1852 Mr Bayly, a settler at Ngamotu with land adjoining the Moturoa Native Reserve, attempted to have Te Atiawa owners of the reserve pay a portion of the costs of a fence between his land and the reserve. He cited as support for his request the Fencing Ordinance, which required the 'proprietor' or owner of adjoining property to pay part of the costs of a shared boundary fence.⁶³⁹ Evidently Bayly regarded Te Atiawa as the owners of the reserve.⁶⁴⁰

⁶³⁵ Gore Browne to Lord Stanley, 9 June 1858, *Turton's Epitome*, Taranaki, A-2, No. 22.

⁶³⁶ Chief Commissioner to the Colonial Secretary, 29 February 1854, *Turton's Epitome*, D-41.

⁶³⁷ McLean stated that "the claims of the original Native owners of the land comprised in these reserves should be entirely extinguished so as to prevent their exercising an exclusive right over them." (Draft letter of McLean to Grey, 18 June 1847, No. 47/3, qMS-1205, ATL, Wellington).

⁶³⁸ 'Schedule of Native Reserves as at 21st October 1899: Taranaki Land District', AJLC, 1900, Appendix No. 20, pp 55–58.

⁶³⁹ Flight to Alfred Domett, 29 January 1852 [1853?], JC-NP 53/3, p 7, ANZ, Wellington.

⁶⁴⁰ The matter was brought to the attention of the Governor who replied that Maori should not be required to pay any of the costs because they did not "avail themselves of the fence." Grey too described the land as "the Native land in question" (*Ibid*).

The Legal Status of the Native Reserves in the Waiwakaiho and Hua Blocks

The legal status of the Native reserves in the Waiwakaiho and Hua blocks was even less straightforward. In their 1858 report the commissioners expressed no opinion about whether the Native title over reserves and the re-purchased portion of the reserves in the Waiwakaiho block, and other repurchased sections in the Hua block, had been extinguished. At this time they were not dealing with the reserves and adjacent re-purchased sections in the Waiwakaiho block simply because they "have not yet been laid out because of the fact that 1200 acres included in this block, [is] being withheld by Te Puni's Natives."⁶⁴¹ It also appears that they did not regard the sections re-purchased by Te Atiawa in the Hua block as Native reserves as they mention them only as an aside after discussing re-purchased reserve land in the Waiwakaiho block.⁶⁴² The provincial attorney was of the opinion that the re-purchased sections in the Hua blocks were "no longer Native land because the land had passed to the Crown and had been re-purchased by the Natives under the general regulations."⁶⁴³

The number of different categories of reserve and re-purchased sections complicated the legal status of the reserves in the Waiwakaiho and Hua blocks. In addition to the Waiwakaiho reserves made by Cooper and the re-purchased portions of those reserves, there were in the Hua block a number of reserves specified in the Hua deed. A series of 1890s Supreme and Appeal Court cases testify to the continued and unresolved confusion about the title to these reserves. Judge Prendergast's decision in the 1896 case *Te Pohe Mokoare v Davy and the Public Trustee* suggests that the primary means of distinguishing between reserves over which Native title remained and those over which it had been extinguished was to identify which had been made by exclusion from sale and which had been made by the Crown within the purchased block.⁶⁴⁴ So reserves like Paraiti named in the Hua deed were considered to have

⁶⁴¹ 'Report of the Commissioners at New Plymouth', 26 June 1858, AJHR, 1858, E-4, p 12.

⁶⁴² Ibid.

⁶⁴³ The *Taranaki Herald*, 5 January 1856 reporting on meeting of the provincial council on 20 December 1855.

⁶⁴⁴ *Te Pohe Mokoare v Davy and the Public Trustee* [1896] 14 NZLR 533 – 537. Te Pohe Mokoare was the daughter and successor of Hone Ropiha. The Public Trustee was named in the case because he had been dealing with the four Native reserves in which Te Pohe Mokoare had an interest: Purakau, Paraiti, Whatupui (all in the Waiwakaiho block) and Ratahangae Native reserve No. 4 (in the Grey block). The Court attempted to answer the question of which of these reserves the Public Trustee had jurisdiction over, and therefore which of the reserves he could be said to have a valid objection to being dealt with by the Native Land Court. But the case was also an attempt by the Maori plaintiff to try to establish which of the Native reserves Maori still had jurisdiction over. It appears that Maori saw the Land Court as a means to regain control of reserve lands (*The Evening Post*, Wellington, 25 March 1896).

been excluded from the sale by Maori as a sacred place.⁶⁴⁵ Therefore it and other sacred places specified in the deed "were not made over to the Government ... consequently the Native title was not then extinguished."⁶⁴⁶ In contrast, Purakau Waiwakaiho A was set aside for Maori from the land within the block, when the block was ceded to the Crown.⁶⁴⁷ The purchase extinguished Native title over the whole block; the Crown made reserves for the benefit of Maori within the block on land that was Crown land, so the reserves were Crown land.⁶⁴⁸ It may be added that despite the Prendergast's decision, confusion continued: the 1900 schedule of Native reserves classified this reserve as one made by Maori exempting it from the purchase.⁶⁴⁹

The Assent Procedure for Bringing Native Reserves under the Act

Having determined that the Native reserves in the 'town' blocks remained in Native title the commissioners set out to gain the assent of the inhabitants of the reserves to bring them under the Act. The Act required the assents be obtained by the commissioners, reported upon, adopted by the Governor and published in the government gazette.⁶⁵⁰ However the procedure for gaining the assent of inhabitants of reserves was not as clear-cut as the wording of the Act suggested, and the issue of exactly who should give their assent was debated amongst the commissioners. They considered that the reserves had originally been allocated to Te Atiawa collectives, but they differed as to whether every single individual Maori who had signed the purchase deed ought to give their approval when a reserve was to be brought under the Act. Josiah Flight, the officer charged with gaining such assent, believed that in each case "it is necessary for all who sold the block to convey the reserves" by signing the assent.⁶⁵¹ However, Commissioner Parris argued that this would be "inexpedient, and inadvisable."⁶⁵² Parris considered the reserves to be similar to unsold Maori land in that the rights to reserves were likely to be just as keenly contested in Maori communities as the rights to land not yet purchased by the Crown were. He was of the opinion that in the process of allocating the

⁶⁴⁵ *Te Pohe Mokoare v Davy and the Public Trustee* [1896] 14 NZLR 534.

⁶⁴⁶ *Ibid*, 536.

⁶⁴⁷ *Ibid*.

⁶⁴⁸ *Ibid*.

⁶⁴⁹ 'Schedule of Native Reserves as at 21st October 1899', AJLC, 1900, Appendix No. 20, pp 55 – 56. The case had its sequel in *In re Purakau Block* [1898] 16 NZLR 507 – 508.

⁶⁵⁰ The New Zealand Native Reserves Act 1856, No. 10, s. 17.

⁶⁵¹ Parris to the Superintendent, 12 April 1859, MA-MLP-NP 1, p 210, ANZ, Wellington.

reserves the decision regarding which communities would occupy various reserves had "been left to their own [Maori] mutual arrangements, in addition to which, there was always a verbal understanding, which I am of opinion is better not to disturb."⁶⁵³ Therefore, he implied that it would be better if Maori were left to settle their individual claims over the reserves "among themselves."⁶⁵⁴ Parris appears to have raised the matter with the Native Minister, C W Richmond in 1859, as Richmond replied agreeing with Parris that "there is no occasion under the Native Reserves Act to obtain the consent of every Native who signs a deed whereby a reserve is made." Instead, he suggested that it seemed "sufficient if all those who are recognised by the Natives themselves as having an interest in a reserve concur in its cession to the Queen for the purpose of the Act."⁶⁵⁵ Parris seems to have had the upper hand in this debate, with Flight suggesting a compromise whereby those not directly interested in a particular reserve would sign a specially inserted clause in the assent. Parris decided instead to recommend "that a few of the leading men not interested in the reserve to be alienated, should sign as witnesses."⁶⁵⁶

Clearly it was considered expedient that enough of the people interested gave their assent to make a lasting, binding and uncontroversial transaction, and representatives from the wider tribal community witnessed the assent. However, if too many people were involved it was feared that this would open the field up "encouraging additional claims."⁶⁵⁷ It seems that the commissioners were relying on Te Atiawa to know who the owners of each reserve were rather than making an extensive public inquiry amongst the tribe. It is highly likely that this lack of inquiry meant that some rightful owners were excluded from the process of assent. In all probability such exclusion became permanent because once people were listed on the assent as inhabitants of a reserve those individuals came to be regarded by the Crown, and perhaps by Te Atiawa communities, as the 'owners'. Since reserves were brought under the Act before they were sold, one suspects that these individuals on the list became those whose permission

⁶⁵² Ibid.

⁶⁵³ Ibid.

⁶⁵⁴ Ibid.

⁶⁵⁵ C W Richmond to Parris, 27 August 1859, in *The Richmond-Atkinson Papers*, G H Scholefield (ed), 1960, Vol. 1, p 485.

⁶⁵⁶ Parris to C W Richmond, 9 July 1859, in *The Richmond-Atkinson Papers*, G H Scholefield (ed), 1960, Vol. 1, p 465.

⁶⁵⁷ Parris to the Superintendent, 12 April 1859, MA-MLP-NP 1, p 210, ANZ, Wellington.

was needed for a sale to be concluded, and that these were the individuals who received the purchase price. Thus in this insidious way the reserves were on their way to becoming individual rather than tribal possessions, just as the Crown desired, though not just through the issuing of Crown grants as had been envisaged.

The Legal Effect of the Assent

The New Zealand Native Reserves Act 1856 indicates that the assent had a twofold effect: first, "to declare such lands to be subject to the provisions of this Act, and to appoint commissioners for the management thereof" and secondly, "the land to which the same [the assent] shall relate shall be conveyed to Her Majesty, her heirs and successors."⁶⁵⁸ The question needs to be asked, why it was necessary for the reserves to be conveyed to the Crown, that is, for the Native title over them to be extinguished? Could they not simply have been brought under the management of the commissioners? A possible answer may be found in Sewell's intention for the Act to be a mechanism for individualising title. The extinguishment of Native title would have been regarded as the necessary legal step in the process of issuing Crown grants (the Crown could not issue a title to a section of land unless it held title).

C W Richmond the Native Minister, considered it a legal necessity to have Maori convey their reserves to the Crown at the same time as they gave their assent to bring them under the operation of the Act. He pointed out to Governor Gore Browne that this provision needed to be included in the Act because "the 73rd clause of the Constitution Act requires that all land acquired from the Natives shall be ceded direct to Her Majesty."⁶⁵⁹ The wording of the assent notices the Taranaki commissioners published in the *New Zealand Gazette* for the period 1859 to 1861, when the 1856 Act was the sole legislation in force, demonstrates that the processes carried out under the Act did indeed convey the reserves in question to the Crown and extinguish the Native title.⁶⁶⁰

⁶⁵⁸ The New Zealand Native Reserves Act 1856, No. 10, s. 14 and s. 17 respectively.

⁶⁵⁹ C W Richmond to the Governor, 23 July 1856, BPP, Vol. 10, p 633.

⁶⁶⁰ Reports were filed by Josiah Flight, the resident magistrate, and state that "they [aboriginal inhabitants whose names appeared below] being desirous of bringing the same under the operation of the said Act, *have executed a conveyance of the same land in favour of Her Majesty*. The reporter has therefore the honor to recommend that such portion of the reserve as is delineated on the plan drawn in the margin of the [copy of] deed of conveyance sent herewith, should be brought under the operation of the said Act." [emphasis added] (See for example *New Zealand Gazette*, No. 16, 1859, p 109).

At first sight it appears that the Native Reserves Amendment Act 1862 repealed the requirement for Maori to convey the reserve to the Crown.⁶⁶¹ However, a close reading of section 7 of the 1862 Act reveals that the process of assent as the method of extinguishing the Native title was retained. Instead of a conveyance the Act provided for the Governor to issue an Order in Council declaring assent to have been obtained, the title of the reserve extinguished and from the date of such Order in Council the reserve was to "vest in Her Majesty for the purposes and subject to the provisions of the said Act as altered by this Act and that as effectually as if the same had been ceded and conveyed by such aboriginal inhabitants to Her Majesty."⁶⁶² However the assent form which was reprinted as part of at least one gazette notice in 1862 contains no reference to the reserve now being vested in the Crown; it simply states that those who signed the assent "agreed that the said reserve shall be brought under the provisions of the Native Reserves Amendment Act 1862."⁶⁶³ This progressive lowering of the threshold for transparent process potentially increased the possibility of Maori signatures being obtained without the individuals signing the assent understanding its full ramifications for the change in title to the reserve.

Native Reserves brought under the Operation of the Act

General Patterns, 1859 - 1874

Between 1858 and 1872, the commissioner brought under the operation of the Act (and under their administration) 20 of the 47 Native reserves that then existed in the five blocks that are the subject of this thesis.⁶⁶⁴ These 20 reserves represented slightly more than half (52.72 percent) of all the reserve acres allocated to Te Atiawa in these blocks. What is noticeable in this process is that the notices of assent for groups of reserves were signed either on the same date or only days apart. This suggests that the commissioners held negotiations with communities over all the reserves in which they had an interest. It may suggest that that

⁶⁶¹ The Native Reserves Amendment Act 1862, No. 14, s. 6.

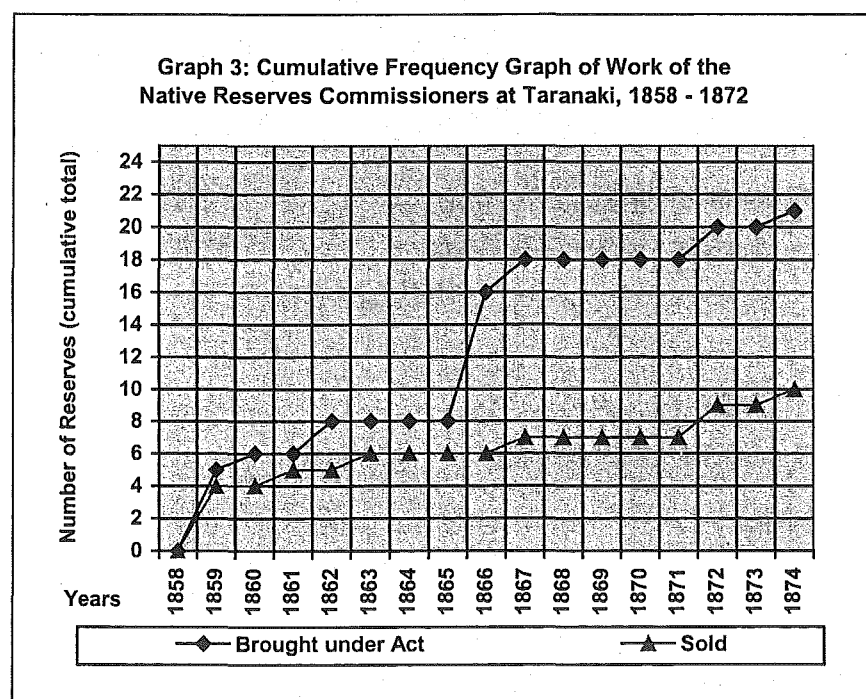
⁶⁶² Ibid, s. 7. This technical change is reflected in the words of the post-1862 gazette notices for Taranaki reserves: compare a December 1862 gazette notice that simply stated that the reserve was now subject to the provisions of the said Act (New Zealand Gazette, No. 41, 1862, p 357). Two 1866-1867 Orders in Council stating that the title was extinguished and the reserve would "vest in Her Majesty for the purposes and subject to the provisions of the said Native Reserves Act 1856" (New Zealand Gazette, No. 46, 1866, p 318).

⁶⁶³ Ibid.

⁶⁶⁴ A list of reserves, their acreages and the gazette notices bringing them under the Act are listed in Appendix 3. A list of reserves not brought under the Act and their acreages appears in Appendix 4.

something precipitated negotiations over one reserve and the commissioners took the opportunity to persuade the community to bring their other reserves under the Act at the same time.⁶⁶⁵

A significant number of reserves were brought under the Act between the commissioners' appointment in 1858 and the end of January 1860. In this period six reserves came under the Act, that is, just over one quarter (28.57 percent) of the 21 reserves or parts of reserves which eventually came under the Act.⁶⁶⁶ No further reserves were brought under the Act until June 1862 when two further reserves came under the Act. After this there was another lull in the commissioners' activity: between June 1862 and April 1866 no further reserves came under the Act. This was followed by a very active 16 months in 1866 and 1867 when a further 10 reserves, representing almost half (47.62 percent) of the total, were brought under the Act. From 1867 the rate at which assents were obtained slowed considerably: after this a further two reserves came under the Act in 1872 and the final reserves in 1874.⁶⁶⁷ This is illustrated by graph 3 below.



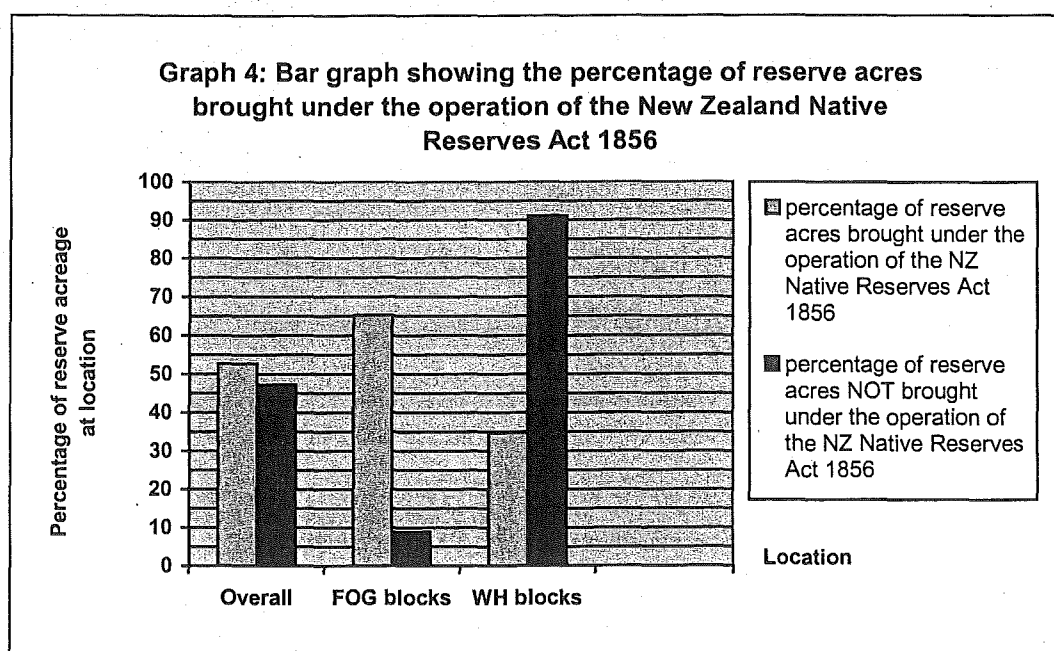
⁶⁶⁵ A table showing the reserves and the names of those who signed the notice of assent for each reserve appears in Appendix 5. This demonstrates that many of the reserves brought under the Act on the same day belonged to the same community of people.

⁶⁶⁶ One reserve, Ararepe Native Reserve No. 2, was brought under the Act in two separate portions.

⁶⁶⁷ The reserves brought under the Act are listed in Appendix 3 in order by the date they came under the Act.

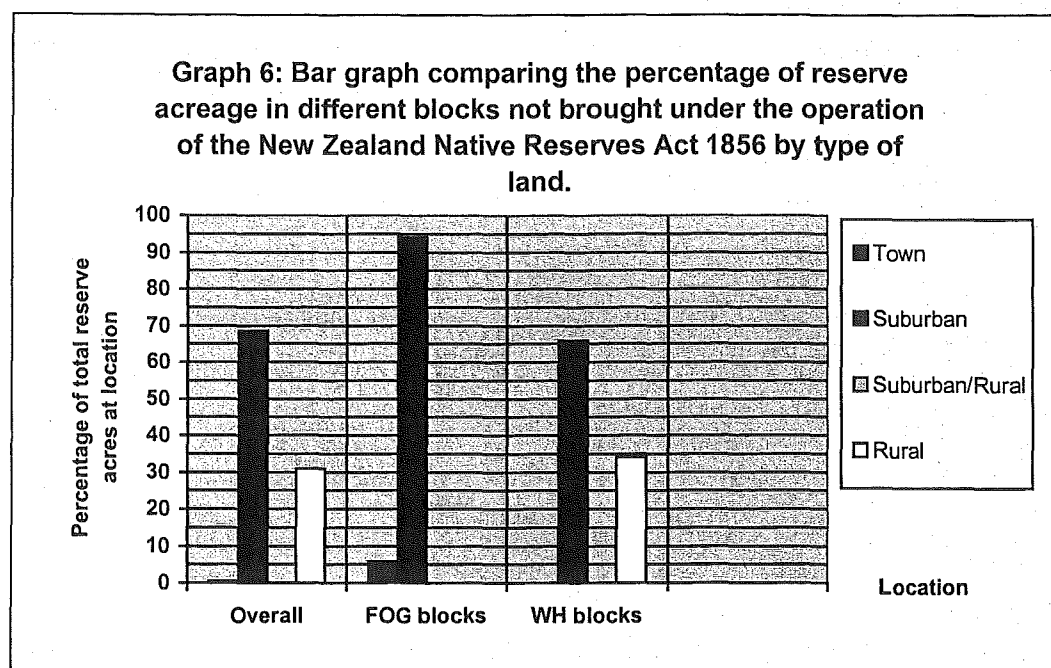
Pattern of Reserves coming under the Act by Location and Type of Land

There was a remarkable difference in the percentage of reserve acres in the 'town' blocks (FitzRoy, Omata and Grey Blocks) brought under the Act and that of reserve land in the Waiwakaiho and Hua blocks.⁶⁶⁸ Over 65 percent (65.25 percent) of the reserve acres that came under the Act were in the 'town' blocks, and only 34.75 percent in the Waiwakaiho and Hua blocks. Less than ten percent (8.95 percent) of the reserve acres that remained outside the commissioners' administration were in the town blocks. This was in marked contrast to the Waiwakaiho and Hua blocks where 91.05 percent of the reserve acres were not administered by the commissioners. These patterns are illustrated by graph 4 below.



As discussed in chapter two, land at New Plymouth was surveyed into quarter-acre town sections on which the township itself was located, beyond these lay the suburban sections each containing 50 acres, and on the fringe of the surveyed district a band of 50 acre rural sections. Overall, just over half (51.96 percent) of the reserve land that was brought under the Act was rural land. A further 25.35 percent was suburban land, closely followed by reserves that were a mixture of rural and suburban land (22.03 percent). Less than one percent (0.66 percent) of the reserve land brought under the Act was town land. This is illustrated on graph 5

34.06 percent of all the reserve land in that block not brought under the Act, was rural land. These patterns are illustrated by graph 6 below.



The Commissioners' Desired Role: The Pro-active Approach

The Taranaki Native reserves commissioners' reported intention was to take a pro-active approach to persuading Te Atiawa of the merits of bringing their reserves under the operation of the Act. This is evident from their first and only surviving report filed less than six months after their appointment. In this report they were quick to reassure the Native Department that, "every exertion will be made by us to recommend the Natives to give such assent."⁶⁶⁹ The commissioners explained that now that peace between factions of Puketapu hapu had been established they were keen to visit Maori settlements and take the opportunity, "of seeing those who are interested in the reserves, and trying to induce them to avail themselves of the advantages of the Act."⁶⁷⁰

⁶⁶⁹ 'Report from Commissioners at New Plymouth', 26 June 1858, AJHR, 1858, E-4, p 12.

⁶⁷⁰ Ibid. The peace the commissioners referred to was the re-establishment of peace in June 1858 (the month they were writing their report) amongst Puketapu after the killing of the Puketapu chief Katatore by one of his relatives (Parsonson, 1991, pp 160 and 163).

However, evidence suggests that some Te Atiawa individuals with interests in the reserves were also visiting the commissioners in New Plymouth to discuss the reserves. In 1859 Parris noted that he was unable to give his attention to Te Teira's offer to sell the Pekapeka block at Waitara because he had been "beset for the last fortnight by Natives, on questions respecting Native reserves that have not been alienated."⁶⁷¹ It is unclear whether Te Atiawa were initiating contact with the commissioners or following up discussions that had been held while the commissioners were visiting the reserves.

Parris felt a particular urgency about bringing of the reserves in the Waiwakaiho blocks that contained a re-purchased portion under the Act. He realised that despite Cooper's November 1854 report that the reserves in the Waiwakaiho blocks were settled this was not the case. These particular reserves had not been surveyed nor were those for whom they had been made able to occupy the reserves.⁶⁷² In order to solve both these problems Parris considered "that they should be alienated to the Crown, and brought under the operation of the Native Reserves Act 1856."⁶⁷³ It appears that he had reached an agreement with the owners of nine reserves in early July 1859 to bring them under the Act. It is likely that these were the owners of the two reserves wholly re-purchased, the six reserves partly re-purchased and the wholly reserved land belonging to Wi Tako Ngatata (see Table 1 in previous chapter).⁶⁷⁴ He promised to put the owners of these reserves in possession on the condition that they "paid up the balance due on the quantity re-purchased" and brought the reserve under the Act.⁶⁷⁵ However a comparison of the partly reserved/partly re-purchased reserves in the Waiwakaiho blocks in Table 1 and those brought under the Act suggests that Parris was ultimately unable to persuade the owners of these nine reserves to bring them under the Act. This was despite making this one of the pre-requisites for Te Atiawa owners to gain possession of the reserves. With the notable exception of Waiwakaiho J belonging to Wi Tako Ngatata, only Waiwakaiho C eventually came under the Act but that was not until 1874.⁶⁷⁶

⁶⁷¹ Parris to C W Richmond, 19 November 1859, in *The Richmond-Atkinson Papers*, G H Scholefield (ed), 1960, Vol. 1, p 499.

⁶⁷² Parris to C W Richmond, 6 July 1859, in *The Richmond-Atkinson Papers*, G H Scholefield (ed), Vol 1, 1960, pp 473 – 474.

⁶⁷³ *Ibid*, p 474.

⁶⁷⁴ *Ibid*.

⁶⁷⁵ *Ibid*.

⁶⁷⁶ *New Zealand Gazette*, No. 55, 1874, p 701.

Factors Constraining the Commissioners' Pro-active Approach

The Effect of Periodic War

The pattern of war and uneasy peace in the province severely constrained the extent to which the commissioners could take a pro-active approach. As the commissioners' report of June 1858 makes clear, the pro-active approach was dependent upon access to Te Atiawa communities and this access was only possible in the absence of war. The effect of this constraint is evident in the patterns of reserves being brought under the Act. In the brief period of peace throughout 1859 and the first two months of 1860 a considerable number of reserves came under the operation of the Act. Conversely, from the month before the outbreak of war in the first week of March 1860 until peace was made in March 1861, and during the unsettled period of late 1861 and early 1862 no further reserves were brought under the Act. Quite obviously a state of war meant that Crown officials were busy with other matters; it was unsafe to travel to Te Atiawa pa; and Te Atiawa communities were scattered and uprooted, making it difficult to locate people with interests in the reserves. However, the period of inactivity on the part of the commissioners from 1863 to 1866 cannot be attributed to the constraints of war. It was most likely a result of the lag between the implementation of the 1862 Amendment Act, which dismissed the commissioners appointed in 1858, and the reappointment of Robert Parris as sole Native reserves commissioner early in 1866.⁶⁷⁷ The remarkable rate of reserves coming under the Act in 1866 - 1867 may have been the result of the commissioner finally being convinced that the theatre of war had shifted permanently away from New Plymouth and Waitara.

Te Atiawa Attitudes to the Reserves Act and its Processes

The attitudes of Te Atiawa hapu towards the operation of the Act and the commissioners are not entirely clear. However, there is evidence of a level of mistrust of the process amongst Te Atiawa but it is difficult to gauge exactly how much impact this mistrust had upon the commissioners' efforts to persuade inhabitants of the reserves to bring them under the Act. Neither is it clear how mistrust amongst Te Atiawa affected the total number of reserves brought under the Act and Te Atiawa choice of such reserves. It seems that Te Atiawa had misgivings about the Act even before the commissioners had brought any reserves under it in

Taranaki. In June 1858 the commissioners commented that "the appointment of two or three influential chiefs as commissioners, would be likely to secure the confidence of the Natives and facilitate the working of the Commission."⁶⁷⁸ This implies that the commissioners sensed suspicion, or at the least, caution amongst Te Atiawa, or were anticipating such reactions. On the other hand the commissioners may have been responding to local support for such an appointment. The month before the editor of the *Taranaki Herald* had noted that Maori chiefs had been appointed as commissioners in Wellington and that Poharama of Ngati Te Whiti would be a good candidate for the post in Taranaki.⁶⁷⁹ However nothing was done about this suggestion.

Disquieting stories about the commissioners' dealings with Te Atiawa reserves in Wellington may have been circulating in Taranaki even before Wiremu Tako Ngatata's highly publicised visit to the province in mid-1859 alerted Te Atiawa to the possible outcomes of the commissioners' work. Wi Tako had interests in reserves on both sides of the Waiwakaiho as well as in reserves in the Wellington region. He was an influential and chiefly man educated in Te Atiawa knowledge and British customs. He was literate and had adopted a western lifestyle, and was later one of the first Maori members of the Legislative Council. In 1859 he travelled through Taranaki gathering support against Te Teira's offer to the Crown of land at Waitara, and more generally encouraging Maori not to sell land to the Crown. He reportedly urged the people not to bring reserves under the Reserves Act alleging that the government

has left him without an acre of land to call his own, in the Wellington district, and furthermore, that the reserves which had been made for them have all been taken from them - upon this subject he warned the Natives of this district to be careful lest that should be their fate also.⁶⁸⁰

Henry Halse believed that Wi Tako was referring to Wellington tenths that had been exchanged and handed over to settlers, not reserves that had come under the operation of the Act. Halse was concerned that Te Atiawa who listened to Wi Tako did not understand this

⁶⁷⁷ *New Zealand Gazette*, No. 13, 1886, pp 82 – 83.

⁶⁷⁸ 'Report from Commissioners at New Plymouth', 26 June 1858, AJHR, 1858, E-4, p 12.

⁶⁷⁹ *The Taranaki Herald*, 1 May 1858.

⁶⁸⁰ Parris to McLean, 20 June 1859, MA-MLP-NP 1, p 120, ANZ, Wellington.

distinction and that confusion and suspicion was been created. "The misfortune is", explained Halse,

that the Natives as a body don't understand the relative positions of the various powers in the country and at once charge Government with being guilty of bad faith with them. The Native Reserves Act 1856 happened to be explained to the Natives at the very time they were smarting about the Wellington province.⁶⁸¹

In the Waiwakaiho and Hua blocks Te Atiawa's greatest fear appears to have been that the Crown would take the reserves unless Te Atiawa could complete the re-purchase payments for them.⁶⁸² Halse's comments to McLean about the situation indicate, at least from his perspective, just what a significant impact Te Atiawa mistrust was having on the commissioners' pro-active approach to bringing reserves under the Act. Halse was convinced that under the circumstances "the less we [the commissioners] move in the matter the better" reasoning that "hunting" out the owners of reserves would arouse "groundless suspicions" of the government's intentions. He had grave doubts about the viability of the Act in Taranaki stating that he was of the opinion that "it can only be partially brought into operation in this ever agitated district."⁶⁸³

The effect of the New Zealand Wars in reinforcing Te Atiawa misgivings about the commissioners and the Crown's procedures for administering the reserves cannot be underestimated. It is true that the owners of these reserves were predominantly Maori whom the Crown classified as 'friendly', that is, those who were most willing to sell land for settlement and to come under the jurisdiction of British law. Later, at the outbreak of war, most swore an oath of allegiance to the Queen, and in many cases joined imperial troops and settler militia against 'rebel' portions of Te Atiawa. However, these categories of 'friendly' and 'rebel' were not fixed; many individuals moved, for their own reasons, between the two groups, going out to fight with 'rebel' kin and returning and swearing allegiance again. Others welcomed and sheltered 'rebel' kin in pa and settlements during the hostilities. Ngamotu hapu were closely bound by whakapapa to the hapu of Te Atiawa amongst whom dislocation, loss of life, land and kainga must have engendered bitterness. It is not hard to imagine that these feelings

⁶⁸¹ Henry Halse to McLean, 20 April 1859, McLean Papers, MS-Papers-0032-0314, ATL, Wellington.

⁶⁸² Ibid.

⁶⁸³ Henry Halse to McLean, 13 December 1858, McLean Papers, MS-Papers-0032-314, ATL, Wellington.

spilled over into the relationship between Ngamotu hapu and representatives of the Crown. The actions of the commissioners before and during the war may also have engendered mistrust. In particular, it is likely that Whiteley's support of Te Teira's right to sell land at Waitara; and Parris's pivotal role in pushing through that purchase against the will of the larger Waitara communities had a negative impact on their relationship with many Te Atiawa people.

In addition to a general climate of mistrust and bitterness caused by war and later confiscation there was particular confusion and anxiety about the possible confiscation of Native reserves under the New Zealand Settlements Act 1863. The Crown officials themselves seemed to have been confused, or at least careless, about whether the purchase reserves were included in the confiscation. Certainly, the three 'town' blocks (FitzRoy, Omata and Grey blocks) and the Waiwakaiho and Hua blocks fell within the boundaries of the Middle Taranaki confiscation district, and they were not specifically excluded from confiscation proclamation.⁶⁸⁴ Janine Ford concluded that the proclamation for the 'Middle Taranaki district'

excepted all the lands within the proclaimed boundaries held under grant from the Crown. Yet the Crown grant issued to the New Zealand Company for the FitzRoy, Grey and Omata blocks on 8 April 1850, had 'saved and always excepted and reserved all the Native and other reserves situated within the said blocks'. Thus, the confiscations were not effective over the purchased land, but were effected over the Native reserves.⁶⁸⁵

Evidently this was a technical oversight: where reserves were included in lands claimed in the Compensation Court officials noted on such applications that these lands were "old government lands."⁶⁸⁶ However, the effect of the proclamation was to enshrine this anomaly between the land granted by the Crown to the Company and the reserves excluded from the Crown grant.

⁶⁸⁴ *New Zealand Gazette*, No. 3, 1865, p 16. It should be noted that the Compensation Court subsequently sat to determine who was 'loyal' and therefore to be compensated with returned land in selected blocks (the Oakura blocks and the Waitara South block) within this confiscation district. Neither of these blocks fell within the purchases discussed in this thesis (Janine Ford, 'The Decisions and Awards of the Compensation Court in Taranaki, 1866 – 1874, Waitangi Tribunal, Wellington, 1991).

⁶⁸⁵ Ford, 'Title Histories of the Native Reserves made in the FitzRoy, Grey and Omata Purchases' 1991, p 11.

⁶⁸⁶ Letter of application, 1 June 1864 titled in red in English "Hekiera Te Rangikatuta & Others, Te Arakaitai, and other places (Govt. land near Te Henui)", RDB, Vol. 113, p 43470. Letter of application, 13 June 1864 titled in red in English "Hekiera Te Rangikatuta & others for Te Kawau & other places (old claims sold to Govt.)", RDB, Vol. 112, p 43468. Application on form titled in red in English "Claiming Herangi in the town of Taranaki sold long ago, the site of the Hospital", RDB, Vol. 113, p 43571. This appears to refer to the Barrett Street hospital site (Otumaikuku Native Reserve No. 9).

Several explanations for Te Atiawa applications to the Compensation Court for purchase block Native reserves present themselves. It is possible that the applicants believed, or had heard rumours, that the reserves were to be taken. Certainly, the military in 1866 had been gathering information on which reserve owners had been 'rebel' and which had been 'loyal'. For reserve owners this would have aroused a deep suspicion about the Crown's intentions.⁶⁸⁷ Possibly the general uncertainty about the fate of the reserves meant that people felt that it was better to make an application to protect reserves just in case the government planned to take them. Alternatively, some owners may have had a grievance over a reserve that had previously been taken or sold and seen this new court as a possible avenue of redress. This may have been the case for those applicants who wrote to the court about Te Kawau Pa.

Factors Facilitating the Commissioners' Pro-active Approach

The Effect of the Commissioners' Relationships with Ngamotu Hapu Communities

It is striking that, in contrast to commissioners of Native reserves in other provinces, at least two of the Taranaki Native reserves commissioners were fluent in te reo Maori, and all had (and continued to have) close and frequent contact with Maori communities in a variety of official and private capacities.⁶⁸⁸ These relationships and abilities would certainly have assisted the commissioners in attempts to persuade Te Atiawa to bring reserves under the Act. In some cases strong and trusting relationships with the people in charge of this process may to some extent have countered Te Atiawa mistrust of the process itself.

Parris and Whiteley appear to have been the two dominant figures amongst the commissioners, and both had close and extended dealings with Te Atiawa during the purchasing of land in Taranaki in the pre-war years. Parris was a public figure amongst both settler and Maori in Taranaki. Before his appointment as Native reserves commissioner, he had been active in provincial politics, holding the position of provincial treasurer for the first six

⁶⁸⁷ 'An Account of Native Reserves in the Province of Taranaki together with the Owners thereof', AD 1, 1866/610, RDB, Vol. 136, pp 52169 – 52173 lists the owners of all the Native reserves in the study area and comments on those owners in terms of their 'rebel/ loyal' status.

⁶⁸⁸ It is clear that having so many of the commissioners fluent in Maori was a significant advantage to attempts to bring reserves under the Act in Taranaki. The Otago commissioners, clearly lacking these skills, comment that "we were and must be much crippled in our attempts to communicate with the Natives for the want of a paid

months of 1857 where his tenure as treasurer coincided with Cutfield's term as superintendent of the province.⁶⁸⁹ Parris was fluent in te reo Maori and familiar with Maori tikanga. He had managed Bishop Selwyn's farming project for Maori at St John's College in Auckland prior to his arrival in Taranaki in 1852.⁶⁹⁰ His various positions as military commander of a Maori militia unit, military interpreter, district land purchase commissioner and judge in various courts all brought him into direct negotiation with a number of Te Atiawa leaders, and meant that he formed close relationships with some of them and their communities.⁶⁹¹ This contact was sustained over almost thirty years. After the Native Reserves Amendment Act 1862 was implemented in 1864 he remained in sole charge of the reserves for the central government in his capacity as Civil Commissioner, a position to which he was appointed in September 1865, and held until July 1875.⁶⁹² In 1867 he acquired the site for Opunake and negotiated with Te Whiti-o-Rongomai for the completion of the coast road in 1871.⁶⁹³ He retired from public life in 1876.⁶⁹⁴

John Whiteley's association with Te Atiawa stretched back to before the signing of the Treaty of Waitangi when he had been based at Kawhia as a Wesleyan Missionary and had made regular visits to Te Atiawa at Ngamotu.⁶⁹⁵ In January 1840 he had visited the newly established European settlement at New Plymouth to conduct services and negotiate with

interpreter, who would be always at our command." ("Report of the Commissioners of Native Reserves for the Province of Otago, 21 June 1858, AJHR, 1858, E-4, p 13).

⁶⁸⁹ *Dictionary of New Zealand Biography*, Vol. 1 (1789 – 1869), 1990, p 335. Parris' appointment and resignation as provincial treasurer (*Taranaki Provincial Gazette*, 1857, Vol. IV, No. 3, p 7 and Vol. V, No. 14, p 45 respectively). Cutfield held his position as Superintendent concurrently with his work as a Native reserves commissioner from 14 January 1857 to 24 May 1861 (*Cyclopaedia of New Zealand: Industrial, Descriptive, Historical, Biographical*, Vol. 6 Taranaki, Hawkes Bay and Wellington, Horace J Weeks Ltd., Christchurch, 1908, p 43).

⁶⁹⁰ *Dictionary of New Zealand Biography*, Vol. 1 (1789 – 1869), 1990, p 335.

⁶⁹¹ *Cyclopaedia of New Zealand*, Vol. 6, 1908, p 122 and McLean to C W Richmond, 31 August 1860, in *The Richmond-Atkinson Papers*, G H Scholefield (ed), 1960, Vol. 1, p 631. Parsonson states that Parris was appointed district land purchase commissioner in July 1857 (Parsonson, 1991, p 181). Notice of appointment as judge of Compensation Court (*Taranaki Provincial Gazette*, 1866, Vol. XIV, No. 15, p 99).

⁶⁹² On 4 August 1863, a proclamation signed by Governor Grey declared that all powers in New Zealand Native Reserves Act 1856 was to be "vested in and may be exercised by the Governor" as from 1 September 1863 (*Taranaki Provincial Gazette*, Vol. XI, No. 19, 1863, p 39). Appointment of Robert Parris to position of civil commissioner for the District of Taranaki dated 2 September 1865 (*Taranaki Provincial Gazette*, Vol. XIII, No. 24, 1865, p 89). Also see *Dictionary of New Zealand Biography*, Vol. 1 (1789 – 1869), 1990, p 335.

⁶⁹³ *Dictionary of New Zealand Biography*, Vol. 1 (1789 – 1869), 1990, p 335.

⁶⁹⁴ *Cyclopaedia of New Zealand*, Vol. 6, 1908, p 122.

⁶⁹⁵ George Gilmour Carter, *John Whiteley: Missionary Martyr*, Wesleyan Historical Society, Auckland, 1955, p 8.

Maori at Ngamotu for land for a missionary station.⁶⁹⁶ He finally moved to New Plymouth in 1855⁶⁹⁷ and rapidly established a circuit of Maori communities where at least the majority were Wesleyan followers, and he continued regularly preaching in, and visiting these communities throughout the wars of the 1860s⁶⁹⁸. By the time he was appointed a Native reserves commissioner in 1858 Whiteley had acted as an interpreter for other government officials.⁶⁹⁹ He would have known Te Atiawa leaders and communities intimately. In particular, Whiteley performed many Maori baptisms and burials and amongst the families involved were a considerable number who later brought Native reserves under the Act.⁷⁰⁰ Others also knew him and Josiah Flight through a Total Abstinence Society they founded amongst Maori at New Plymouth.⁷⁰¹ However, he was on less than cordial terms with Te Atiawa members of the Church of England at Waitara. In 1860 he spoke strongly against Wiremu Kingi Rangitake, urging him to surrender his resistance to the Crown over the disputed sale of the Pekapeka block at Waitara and continued, in the early months of the first Taranaki War to visit the villages of Wiremu Kingi's supporters preaching against 'rebellion'.⁷⁰²

A closer examination of Te Atiawa communities and individuals bringing their reserves under the Act suggests that Parris' and Whiteley's influence as commissioners, spread like a ripple through communities that owned a number of reserves. In particular, several specific connections between individuals whose names appear on the consent notices and the various commissioners are apparent. For example, the first people to bring their reserves under the Act were those with connections to both Ngamotu, where Whiteley's mission station was located,

⁶⁹⁶ Carter, 1955, pp 8 – 9.

⁶⁹⁷ Ibid, p 10.

⁶⁹⁸ His journal for February 1860 shows that he regularly visited Puketotara, Te Kawau, Katere, Mahoetahi, Te Puata and Waitara Heads (Journal of Reverend John Whiteley, 5, 6 and 19 February 1860, Pukeariki Public Library Archive, New Plymouth).

⁶⁹⁹ Graham Brazendale, *John Whiteley: Land Sovereignty and the Land Wars of the 19th Century*, Wesleyan Historical Society of New Zealand, Orewa (NZ), 1996, p 36.

⁷⁰⁰ At Puketotara (on Native Reserve No. 3 of the same name) Whiteley buried three children of Paora and Meretini between July 1867 and Feb 1868 (Methodist Deaths, card index, New Plymouth Genealogical Society Library). Both Paora and Meretini's names appear on a list of owners who brought Puketotara Native Reserve No. 3 under the Native Reserves Act on 24 November 1866 (*New Zealand Gazette*, No. 9, pp 70 – 71). Another of those who brought this reserve under the Act was Karira, a Native policeman whom Whiteley buried on 17 September 1867 (Methodist Deaths, card index, New Plymouth Genealogical Society Library).

⁷⁰¹ Carter, 1955, p 11.

⁷⁰² John Stenhouse, 'Religion, Politics, and the New Zealand Wars, 1860 – 1872', in *God and Government: The New Zealand Experience*, Rex Adhar and John Stenhouse (eds), University of Otago Press, Dunedin, 2000, p 31 and Sally McLean, *A History of the Ngamotu Mission and the Grey Institute Trust*, 1992, p 56.

and to Te Kawau pa which Whiteley regularly visited and where a Wesleyan chapel was built by Maori in 1857.⁷⁰³ Typical of the kinds of associations Native reserve owners had with Whiteley were those of Harieta Wright, Louisa Wright, and Kipa Ngamoke. They brought 'Pakikora' (Pukekura) Native Reserve No. 12 under the operation of the Act on 22 September 1859.⁷⁰⁴ Harieta Wright's father was Te Munu, a chief of Ngamotu hapu, who was also one of the original owners of Pukewarangi Native Reserve No. 20. She was a sister to Te Munu Kipa of Ngati Tawhirikura hapu who also had lands in the Hua block.⁷⁰⁵ Harieta married the whaler John Wright, and had been widowed at the end of December 1858. Whiteley was the minister who buried her husband at Waitapu urupa at Ngamotu on 2 January 1859.⁷⁰⁶ Louisa Wright was their only child and Kipa Ngamoke was most likely her close relative.⁷⁰⁷

Commissioner Henry Halse, and Josiah Flight, the commissioners' assistant, both had strong connections with Te Atiawa communities through the appointment of and cooperation with Native assessors (Maori leaders appointed by the Crown to assist the resident magistrate).⁷⁰⁸ The resident magistracy (a position held by Flight), the armed police force (under the command of Halse as inspector of police) and the Native assessors were closely connected.⁷⁰⁹ Alan Ward suggests that through Native assessors, resident magistrates became intertwined with Maori communities because

their [Native assessors] working with the resident magistrate helped identify him as part of the local community, particularly where he involved himself sympathetically with the people and treated his Assessors as responsible Lieutenants. In such circumstances the taking of disputes before the court did not appear to local Maori as an appeal *outside* their group; group cohesion, still important to all but a few thrusting and ambitious people, was not impaired.⁷¹⁰

⁷⁰³ W A Chambers, *Samuel Ironside in New Zealand, 1839 – 1858*, Ray Richards/Wesleyan Historical Society, 1992, p 240.

⁷⁰⁴ Notice of assent, 22 September 1859, *New Zealand Gazette*, No. 47, 1861, p 288.

⁷⁰⁵ Native Land Court Minutes, Taranaki Book 3, pp 321 – 323, hearing at New Plymouth on 10 June 1887 in relation to Pukewarangi Native Reserve 20.

⁷⁰⁶ *The Taranaki Herald* 8 January 1859.

⁷⁰⁷ Probate of John Wright, 21 March 1859, R2/91, Land Transfer Office, New Plymouth.

⁷⁰⁸ A list of Native Assessors for North Taranaki noted that they were appointed by Flight and were under his jurisdiction ('List of Native Assessors Appointed in the Native Districts with their Salaries', AJHR, 1862, E-1, Appendix 1). Flight was appointed resident magistrate in 1852 and retired from the position in 1868 (Scholefield (ed), *A Dictionary of New Zealand Biography*, 1940, Vol. 1, p 268).

⁷⁰⁹ The resident magistrate/Native assessor system and the Native police force, which had been established under the Constabulary Ordinance of 1846, began at the same time (Ward, 1973, pp 74 – 75).

⁷¹⁰ Ward, 1973, p 77.

Flight, similarly, would have formed close working relationships with many of the prominent men who owned reserves in both the 'town' and Waiwakaiho and Hua blocks, and could certainly use these relationships in his negotiations over reserves being brought under the Act. It is clear from reports of resident magistrates in other provinces that assessors were seen as a way to influence the Maori community. Ward characterized magistrates like Flight as "political and intelligence agents" who "established what were essentially diplomatic contacts with the principal chiefs, gauging their reactions to movements by the Government or the Kingite leaders."⁷¹¹

So it is not surprising that the names of Te Atiawa leaders feature prominently on lists of those who brought reserves under the Act, and that a high proportion of those leaders were also Native assessors. Te Waka was appointed Native assessor around 1850.⁷¹² His name appears on gazette notices bringing Puketotara Native Reserve No. 3, part Ararepe Native Reserve No. 2, and Marangi Native Reserve No. 24 under the Act.⁷¹³ Poharama Te Whiti was the principal chief of the people at Ngamotu and was appointed as a Native assessor for the village of Hongihongi at Ngamotu in April 1850.⁷¹⁴ He was also well acquainted with Parris through his involvement in the purchase of the Waiwakaiho and Hua blocks and his interests in Whatapiupiu Waiwakaiho H.⁷¹⁵ Another man, Tahana Papawaka, had been a Native assessor since at least 1859.⁷¹⁶ He married Ngapei Ngatata, the sister of Wiremu Tako and Wiremu Tana Ngatata. Along with her siblings, his wife had interests in Purakau Native Reserve No. 16

⁷¹¹ Ward, *A Show of Justice*, 1973, p 141.

⁷¹² The *Taranaki Herald*, 28 August 1860.

⁷¹³ *New Zealand Gazette*, No. 9, 1867, pp 69 – 70; *New Zealand Gazette*, No. 16, 1858, p 109, and *New Zealand Gazette*, No. 46, 15 August 1866, pp 317 – 319 respectively.

⁷¹⁴ For his appointment as Native assessor, see 'List of Native Assessors Appointed in the Native Districts with their Salaries', AJHR, 1862, E-1, Appendix 1. He is listed as the chief of the 'friendly' community at Moturoa in 1864 ('Friendly Natives and places on [sic] settlement of New Plymouth', AD 1, 1864/2089, ANZ, Wellington), a chiefs of Te Atiawa in 1868 (Bowen to the Duke of Buckingham, 17 March 1868, AJHR, 1868, A-1, p 59 encl. 2 in No. 36), and as one of the chiefs of the people between Paritutu and Waiwakaiho in 1870 ('Return of the Tribes of the North Island', AJHR, 1870, A-11, p 7).

⁷¹⁵ 'An Account of Native Reserves in the Province of Taranaki together with the Owners thereof', AD 1, 1866/610, RDB, Vol. 136, pp 52169-52177.

⁷¹⁶ Tahana was listed as one of the chiefs of Te Atiawa people living between Omatiki and Waiwakaiho in 1870 ('Return of the Tribes of the North Island', AJHR, 1870, A-11, p 7). Also see Wells, *The History of Taranaki*, 1878, p 175. He is listed as Native assessor in the 1869 and 1880 editions of the *Taranaki Almanac and Official Directory*, compiled and published for the proprietor of the "Taranaki Herald" by W H J Seffern, New Plymouth. He

and in the Waiwakaiho J reserve.⁷¹⁷ Kipa was appointed Native assessor for the village of Te Hua, August 1854 and is listed as Native assessor in the *Taranaki Almanac* of 1869.⁷¹⁸ He gave his consent to bring Ratahangae Native Reserve No. 4, part Ararepe Native Reserve No. 2, Pipiko Native Reserve No. 8 and Te Henui Native Reserve No. 15 under the operations of the Act.⁷¹⁹

Ngamotu Hapu Motives for Bringing Reserves under the Act

It is difficult to know what meanings various Te Atiawa individuals and communities ascribed to the agreement to bring reserves under the Act. However despite a lack of sources revealing Te Atiawa motives it is possible to make some comment about the impact of their motives on the patterns of assents obtained by the commissioners. It is possible that the initial burst of assents (1859 – 1860) may reflect a level of initial enthusiasm by some Te Atiawa for this new process, or at least a willingness on their part to try this new arrangement with the commissioners.

We have already noted the link between lease arrangements made privately between settlers and Te Atiawa individuals for reserve land and the bringing of reserves under the Act, and this will be given further attention in the following section. Here it may be noted that there was a strong connection between periods of war and peace in the province and settler demand for leases. Periods of peace may have led to more lease arrangements and hence more reserves being brought under the Act. Those with reserves in the immediate vicinity of the town, and to the south, an area where settlers felt safer from the dangers of tribal conflict north of the Waiwakaiho, were the first to bring their reserves under the Act. It was also in this area where settler farming and roads were best developed and this may have increased demand from settlers for the sort of additional leasehold land that Ngamotu people and their reserves could supply.

also appears on the civil list in 1880 ('Additions to the Civil List Authorised since 8th October 1879', AJHR, 1880, B-9, Appendix D).

⁷¹⁷ Wi Tako conveyed part Waiwakaiho J to Ngapei Ngatata wife of Tahana of Mangaone and to Mary Skelton wife of George Augustus Skelton (R 18/916, 29 July 1884, Land Transfer Office, New Plymouth).

⁷¹⁸ 'List of Native Assessors Appointed in the Native Districts with their Salaries', AJHR, 1862, E-1, Appendix 1. Kipa is listed as the chief of a 'friendly' community at Waiwakaiho in 1864 ('Friendly Natives and places on [sic] settlement of New Plymouth', AD 1, 1864/2089, ANZ, Wellington).

It is also possible that bringing reserves under the Act held other political meaning for Te Atiawa. Late in 1859 at a public meeting Kipa, the prominent Katere leader and Native Assessor, had declared that the Maori would extend the limits within which they recognised British law to include the Waiwakaiho block.⁷²⁰ Waiwakaiho communities may have then brought reserves under the Act as a gesture to confirm their commitment to that decision (and to the peaceful and joint community inherent in Ngamotu hapu views of their future sharing of their rohe with the settlers).

The Commissioners' Actual Role: Intermediaries between Ngamotu Hapu and the Settlers

Although the Taranaki Native reserves commissioners had begun their work with a pro-active approach they quickly realised that they would be confined to an intermediary role between the parties, confirming new and existing leases. The large proportion of reserves being leased by Te Atiawa by 1858 was the result of Te Atiawa need to utilise the reserves to generate income from rents, and it coincided with a market demand for leasehold land amongst the settlers at New Plymouth. The reserves had become the central economic resource of these hapu and it is likely that they became even more significant to the Te Atiawa iwi as whole after the confiscation of the remainder of their rohe in 1865. Ngamotu hapu also (as already demonstrated) had both a desire for on-going mutually beneficial relationships with the settlers and a desire to achieve economic equality and self-determination.

For their part, New Plymouth settlers had long complained that there was not enough land for their needs, though in reality much of the land purchased by the Crown had not sold when it came up for auction.⁷²¹ But what was really in demand was relatively flat fern land in the vicinity for roads and settlements. Employment was scarce and as a result agricultural labourers and tradesmen had an increasing desire to own smallholdings to grow food and raise livestock for domestic consumption and to generate cash to purchase imported goods.⁷²²

⁷¹⁹ *New Zealand Gazette*, No. 9, 1867, pp 69–70; *New Zealand Gazette*, No. 16, 1858, p 109; *New Zealand Gazette*, 1861, pp 288–289 and *New Zealand Gazette*, No. 9, 1867 pp 70–71 respectively.

⁷²⁰ Wells, *The History of Taranaki*, 1878, pp 175–177.

⁷²¹ In fact at one point the boundaries of the town of New Plymouth were reduced because of the number of vacant sections held by absentee owners (*The Taranaki Herald*, 25 June 1859).

⁷²² Watson and Patterson, 'The Growth and Subordination of the Maori Economy in the Wellington Region', 1985, p 524.

Suburban lands were perfect for these smallholdings, being generally fern lands, close enough to roads to get supplies from town and produce to markets, and within reach of other small farmers. In Taranaki demand for this land was intensified by the lack of surrounding pastoral lands which could have provided rural estates.⁷²³ In any case, the alternating states of war and uneasy peace in the province throughout this period meant that it remained difficult to break in and keep large rural estates productive.

These circumstances strongly suggest that the most significant factor in the commissioners' decision to accept the role of intermediaries in the leasing process was the fact that, as indicated earlier, Te Atiawa and settlers were already dealing with each other over Native reserves. This placed Te Atiawa firmly in control of those reserves. The commissioners themselves admitted that Te Atiawa already leased about 205 acres of the 'town block' reserves to settlers, and that these arrangements had been in place for several years with Te Atiawa receiving rents.⁷²⁴ In addition to these firmly established leases Te Atiawa were occupying and cultivating a further area of about 450 acres on reserves in the 'town blocks', with the balance of the reserves on the town side of the Waiwakaiho River being "unoccupied and waste."⁷²⁵ This control signalled a steadfast understanding by Te Atiawa that the reserves belonged to them and that they were free to exercise at least some of the property rights of owners with regard to them.

In addition the commissioners were under considerable local pressure to validate existing leases between Te Atiawa and settlers. The *Taranaki Herald* expressed the strong feeling amongst settlers even before the commissioners were appointed that the primary purpose of the Native Reserves Act was

to get rid of the anomalous disadvantages under which the Natives labour in regard to the lands which have been reserved for their use and benefit. ... The Act of the General Assembly purports to legalize the disposal of land said to be under the ban of the "Native Land Purchase Ordinance."⁷²⁶

⁷²³ Arnold, *New Zealand's Burning*, 1994, p 183.

⁷²⁴ 'Report from Commissioners at New Plymouth', 26 June 1858, AJHR, 1858, E-4, p 12.

⁷²⁵ 'Report from Commissioners at New Plymouth', 26 June 1858, AJHR, 1858, E-4, p 12.

⁷²⁶ The *Taranaki Herald*, 14 November 1857.

As prominent members of the settler community the commissioners could hardly fail to have heard these opinions and they might have been influenced by them in the way they operated under the Act.

These expectations were part of wider local agitation aimed at getting the government to agree to allow settlers to negotiate directly with Maori for the purchase and lease of land in Taranaki.⁷²⁷ This agitation might suggest that the settlers were in fact upholding the freedom of Maori to lease their reserves without the constraints of the Native Land Purchase Ordinance. However, settlers were far more concerned with finding a means of acquiring further land from Maori more rapidly than the Crown was able to. As already discussed settlers were frustrated over the Crown's land purchasing in Taranaki. New Plymouth settlers had complained persistently that the Crown's land purchase officers in Taranaki were slow and ineffectual and they were dissatisfied by the amount of land purchased and the time which it took to make that land available for selection. After the Grey purchase in 1847 it took another six years before any land north of the Waiwakaiho was purchased and the opening up of that land for selection was slow.⁷²⁸ Frustrations mounted from the mid-1850s onwards until the Tarururangi block purchase in 1859, and the attempt to purchase Waitara that led to war in 1860.

Within six months of beginning their work these realities bought the commissioners to the realisation that they would be required to sanction existing leases. They reported that they had little choice but to bring "such lands under the operation of the Act, and placing the occupants on a legal footing." To declare such leases illegal and invalid would, as the commissioners admitted, "not be prudent."⁷²⁹ They would risk angering Te Atiawa, whose unsettled and 'warlike' state had so recently caused the settler community to appeal to the government for troops to garrison the township. Just as importantly they would have angered settler tenants, the commissioners' friends, kin, business and political supporters and allies. The fact that the

⁷²⁷ At a public meeting in March 1859 the Superintendent Richard Brown questioned the Governor about the possibility of leasing unpurchased land directly from Maori south of New Plymouth who had indicated their willingness to enter agreements with settlers. (Public Meeting at New Plymouth 10 March 1859 reported in the *Taranaki Herald*, 19 March 1859).

⁷²⁸ 'Report of a Special Committee of the Provincial Council of New Plymouth on the Purchase of the Waiwakaiho block', n/d; Cooper to the Colonial Secretary, 19 June 1854 and Cooper to the Chief Commissioner, 11 August 1855, D-41A, D-42 and D-43 respectively, *Turton's Epitome*.

⁷²⁹ 'Report of the Commissioners at New Plymouth', 26 June 1858, p 12.

Taranaki commissioners' report is dominated by such details demonstrates how conscious they were of the stronghold Te Atiawa already had over the reserves. This is in marked contrast to commissioners in other provinces who do not even mention Maori initiatives in regard to the reserves. While the Nelson commissioners were intent on civilising and assimilating Maori by using the proceeds from the reserves to strengthen and augment institutions for Maori improvement, there is not a hint of such rhetoric in the Taranaki commissioners' report. Political considerations appear to have been uppermost for them.⁷³⁰

The commissioners' policy with regard to new leases is not so easy to determine but it appears that it was common for settlers and Te Atiawa who had arranged a lease between them to then approach the commissioners. A letter from John Whiteley to Governor Gore Browne in 1861 attempted to explain how his fellow commissioner, Robert Parris, had come to purchase Native Reserve No. 9.⁷³¹ In making a lengthy defence Whiteley gave a detailed explanation of how the commissioners operated. He remarked that "generally a Native owner will have a Pakeha friend to whom he wishes to let or sell, the bargain will be partly made and they come to us for our approval. If the bargain is fair we are in duty bound to meet the wishes of the Native."⁷³² In this particular case, Whiteley informed the parties

that nothing could be [sic] only through the commissioners and as a friend I assisted More in taking the necessary steps to bring his reserve under the operation of the Native Reserves Act in order that it might be leased according to his wishes to his friend Edgecombe.⁷³³

If this was a typical case, then it suggests that wherever possible the commissioners used the opportunity such encounters provided to persuade Te Atiawa to bring their reserves under the

⁷³⁰ 'Report of the Native Reserves Commissioners at Nelson' 2 June 1858, AJHR, 1858, E-4, pp 2 – 4.

⁷³¹ Whiteley's letter seems to have been a response to that of Theophilus White, then deputy auditor and member for Omata on the Taranaki Provincial Council. This letter has not survived but there is a Maori Affairs inward letter register entry recording the receipt of the letter (T White, 'Respec the alleged improper proceedings of Com Nat Res Taranaki', 28 September 1861, 61/234 in MA 2/4, ANZ, Wellington). Theophilus White's resignation as deputy auditor and as member of provincial council for Omata and his appointed as provincial treasurer (*Taranaki Gazette*, 1863, Vol. XI, No. 26, p 60).

⁷³² Whiteley to Gore Browne, 28 September 1861, John Whiteley Papers, MS-Papers -0484-5, ATL, Wellington.

⁷³³ Whiteley to Gore Browne, 28 September 1861, John Whiteley Papers, MS-Papers-0484-5, ATL, Wellington. An earlier draft of this letter containing passages cut from the version apparently sent is also included in this file.

Act. It is uncertain whether inhabitants of reserves voluntarily brought reserves under the Act when no lease was pending.

Despite Whiteley's comments it is not altogether clear how significant the desire to enter new leases with settlers was in Te Atiawa decisions to sign assents. In particular it is unclear whether the Native Land Purchase Ordinance 1846 had any impact on the number of landlords and tenants coming to the commissioners to have their lease arrangements approved. Leases that had not been sanctioned by the Native reserves commissioners were illegal, and the settlers concerned were liable for prosecution under the Native Land Purchase Ordinance. It is possible that some reserves were brought under the Act because settler lessees feared prosecution, especially since by 1858 several settlers in Taranaki had already been prosecuted under this ordinance for depasturing stock on Native reserves.⁷³⁴ However, Magistrates imposed the minimum possible fines, and all of these fines were later remitted at the request of the settlers fined.⁷³⁵ The commissioners themselves showed no desire to enforce the Ordinance despite their view that all the reserves remained in Native title. Like other officials, they appear to have been uncertain whether the ordinance did in fact apply to Native reserves. In 1862 Parris wrote for guidance as to whether the Ordinance was to be enforced.⁷³⁶

The 1846 ordinance was repealed by section 3 of the Native Lands Act 1865.⁷³⁷ Taking this as a signal that settlers were now free to openly and legally deal directly with Maori for the lease of land, some settlers saw a new business opportunity as intermediaries between reserve owners and settlers wanting to lease. Edwin T Woon, a licensed interpreter from Wanganui who had been involved in land purchasing for the Crown in that region, began touting for business as an agent in Taranaki, citing the passing of the Native Lands Act.⁷³⁸ Although the

⁷³⁴ Proceedings of the Resident Magistrate's Court on 20 and 24 April, reported in the *Taranaki Herald*, 2 May and 16 May 1855.

⁷³⁵ Charles Brown defended his actions as superintendent, explaining that Richard Brown had been prosecuted because of a complaint brought by a Maori, but that he as superintendent had remitted his fine after Brown applied to the Governor. The superintendent then, for the sake of justice, remitted the fines of White and Honeyfield, in what he described as "analogous cases" (*The Taranaki Herald*, 17 January 1857).

⁷³⁶ R Parris, 29 April 1862, 62/378 in MA 2/4, ANZ, Wellington.

⁷³⁷ The Native Lands Act 1865, No. 71.

⁷³⁸ Robyn Anderson, *Report on Whanganui Iwi and the Crown, 1865 – 1880*, for the Crown Forest Rental Trust, October 1999, p 16 citing the *Evening Herald*, 21 August 1868 and the *Taranaki Herald*, 6 January 1866.

reaction of Taranaki commissioners to this enterprise is not known other Native reserves commissioners were concerned. George Swainson, Native Lands Commissioner and former Native Reserves Commissioner in Wairarapa, sent a copy of this advertisement to central government to draw the attention of Native Minister to Woon's activities. However, the government did not see fit to take action against Woon; the note on this copy of the advert reads simply, "I think it better not to interfere."⁷³⁹

Crown Granting of Native Reserves to Te Atiawa

The Native reserves commissioners in Taranaki had the opportunity to more directly and rapidly individualise not just the ownership but the title to these reserves by issuing Crown grants for them to Maori. The 1856 Act gave the commissioners the power to "make a conveyance [the word 'grants' is used in the marginal notes to this section of the Act] or lease in severalty of any lands within the limits of their jurisdiction to any of the aboriginal inhabitants for whose benefit the same may have been reserved or excepted."⁷⁴⁰ Effectively this allowed for each owner to hold an exclusive share in a reserve thus taking the first step towards the conversion of customary title into individually held, Crown-derived title, and making this Act the Crown's first statutory mechanism for individualising title to Maori land. In fact the Native Reserves Act was initially the only legal mechanism for the issue of Crown grants to Maori. In 1858 Commissioner Searancke reminded McLean that promises of Crown grants for Native reserves had been used to persuade Maori to sell land at Waikanae, but no grants had yet been issued. McLean confirmed that although the Governor had no legal power to issue Crown grants in that situation, "the object, however, in this case, can be indirectly attained through 'The New Zealand Native Reserves Act, 1856', if the Natives will agree to hand over the reserves to the commissioners for the Province of Wellington, appointed under the aforesaid Act for this purpose."⁷⁴¹

Ultimately Native reserves were to be at the vanguard of tenure conversion through the issuing of Crown grants. A surviving directive sent to all Native reserves commissioners in

⁷³⁹ Woon's advertisement, Wanganui 6 September 1865, comment by George Swainson on 12 September 1865 and reply by 'W S' on 13 September 1865, MA 24/21, ANZ, Wellington.

⁷⁴⁰ The New Zealand Native Reserves Act 1856, No. 10, s. 15.

⁷⁴¹ Chief Commissioner to Commissioner Searancke, 22 August 1858, *Turton's Epitome*, D-53.

1859 makes it clear that they were explicitly instructed by central government to individualise title to reserves. The Assistant Native Secretary reminded commissioners of "the advantages which would result from a subdivision of the Native reserves, or what would still be better if practicable, the individualisation of certain portions of them."⁷⁴² In 1862, when William Swainson was appointed as Native reserves commissioner in the Wairarapa, Alfred Domett informed him that his duties would include

The survey of Native reserves, lands of half-castes and other lands, roads etc of which surveys may be required by government; the preparation of Crown Grants, leases and other documents in connection with these lands which may require plans to be placed thereon, and to assist in the work of enquiring into and individualizing Native title.⁷⁴³

In addition there was a clear public expectation that the commissioners would use the Act to individualise title to assist in the assimilation of Maori. The editor of the newspaper the *New Zealander* believed that the Act would open up

a legitimate and most worthy means of giving vitality to that idea of private property - already beginning to obtain sway over the Native mind, and which alone can break down the vicious system of communism which now [sic] the last great barrier to the speedy and peaceful and profitable colonization of these islands, if not to the gradual and beneficial amalgamation of the two races.⁷⁴⁴

The Crown's policy direction was also clear: future reserves were to be land that Maori had re-purchased from the Crown and would hold in a Crown grant. It was felt that this would lead to "their present system of communism" being "gradually dissolved", bringing Maori "the great advantage of holding their land under a tenure more defined and more secure for themselves and their posterity than they can possibly enjoy under their present intricate and complicated mode of holding property."⁷⁴⁵

⁷⁴² Smith to Commissioners of Native Reserves, Taranaki, 23 April 1857, MA 4/3 circular 139, pp 93 - 95, ANZ, Wellington.

⁷⁴³ Johnson, *The Trust Administration of Maori Reserves*, 1997, p 42 citing MA 4/5, p 13, ANZ, Wellington.

⁷⁴⁴ *The New Zealander*, 28 June 1856.

⁷⁴⁵ 'Instructions to District Land Purchase Commissioner [Robert Parris] relative to Purchase of Land from the Natives at Taranaki', 26 August 1857, AJHR, 1861, Taranaki, C-1, No. 57, pp 211 - 213.

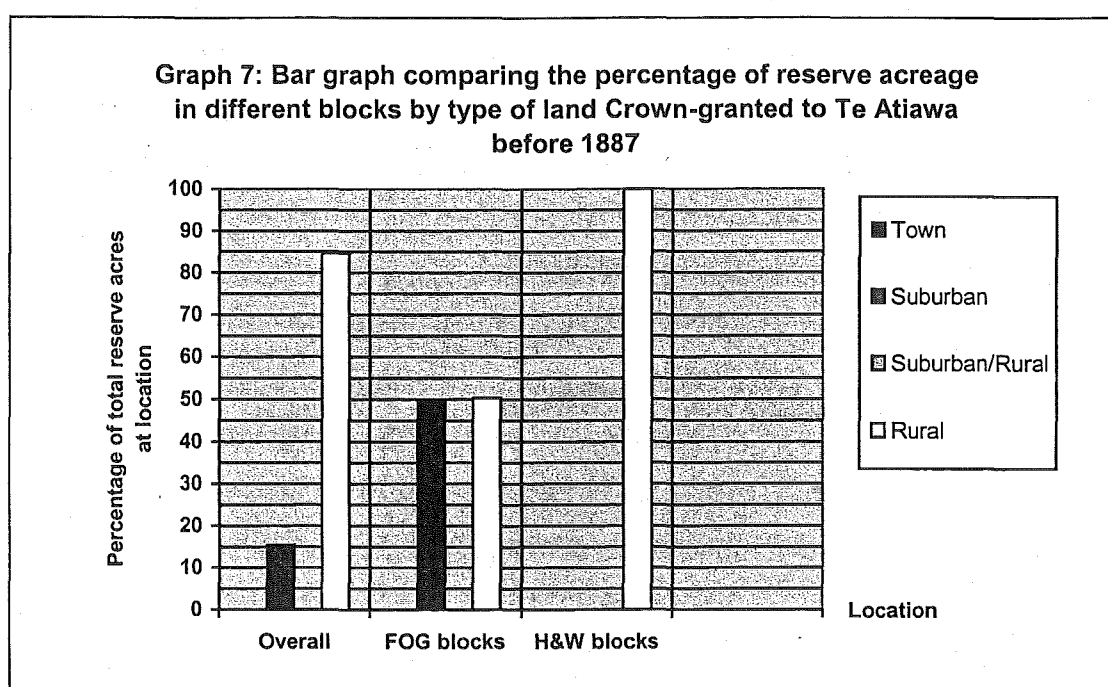
Despite these powers, instructions and expectations, few Crown grants were in fact issued for Native reserves in Taranaki.⁷⁴⁶ Of the 49 reserves in these purchases only six were wholly or partly included in a Crown grant to Te Atiawa before the 1887 Native Land Court sitting which dealt with these reserves for the first time, and in three of these cases the grant involved only part of the reserve. Five of the six reserves or part reserves were Crown-granted to a Maori owner or owners under the Native Reserves Act 1856. One reserve was granted to Maori owners under the Crown Grants Act No. 2, 1862. Four out of the six reserves (or part reserves) Crown-granted under the Native Reserves Act 1856 had been brought under the Act prior to the Crown grant (the exceptions were Native Reserve No. 7 belonging to Ngarongomate, and Purakau Native Reserve No. 16 belonging to the Ngatata whanau). The Native reserve (Purakau Native Reserve No. 16) whose Crown grant was issued under other legislation was not brought under the Native Reserves Act prior to a Crown grant being made.

These six reserves (or part reserves) Crown-granted represented less than twenty percent (16.99 percent) of the Native reserve lands in the five blocks dealt with in this thesis. Almost all those reserves Crown-granted to Te Atiawa owners (five out of six) were in the 'town' (FitzRoy, Omata and Grey) blocks. Of these five 'town' block reserves four were suburban lands (of these two, were parts of Native Reserves Nos. 18 and 23 which were adjacent to one another, the others were Native Reserve No. 7 and Purakau Native Reserve No. 16). The other was a rural reserve, part Ratapihipihi Native Reserve No. 5, in the Omata block, south of the town of New Plymouth. All the suburban reserve land Crown-granted to Te Atiawa was on the fringe of British settlement between the Henui and Waiwakaiho and the modest size of the sections meant that it represented only about a third (34.08 percent) of all the Native reserve land Crown-granted to them. The majority (65.92 percent) lay in the Waiwakaiho and Hua blocks. The sixth reserve was a very large rural one, Whatapiupiu Waiwakaiho J of 540 acres in the Waiwakaiho and Hua block, which accounted for almost two-thirds (65.92 percent) of all reserve land Crown-granted to Te Atiawa.

It is interesting that only one of the 24 reserves in the Waiwakaiho and Hua blocks were Crown-granted to Maori. This may be explained by the fact that the Crown had already

⁷⁴⁶ The full statistical analysis from which the figures used in this discussion appear in Appendix 9.

promised Crown grants for these reserves as a condition of their creation. So both Maori and the Crown probably felt that they would simply wait for those grants to be made. In terms of the type of reserve land Crown-granted to Maori, the vast majority (84.61 percent) was rural land, the remainder (15.39 percent) was suburban land. No town land or rural/suburban land was Crown-granted to Te Atiawa in this period. In the 'town' blocks the ratio of Crown-granted rural land to suburban land was fairly even (49.68 percent vs 50.327 percent respectively). In the Waiwakaiho and Hua blocks none of the suburban reserves were Crown-granted, with all the land granted to Te Atiawa was contained in one large rural reserve. These patterns are illustrated by graph 7 below.



A variety of local circumstances constrained the commissioners in making Crown grants. One factor was the legal and administrative difficulties (and long delays) in getting Crown grants issued in this period. As already discussed in the previous chapter, there were significant delays in the issuing of Crown grants promised to Maori for reserves and re-purchased sections in the Hua block in 1854. Some were not issued until the 1890s. The legal difficulty of making these Crown grants promised to Maori was recognised by central government but

remained unresolved in 1862.⁷⁴⁷ The fact that these difficulties were not insuperable is demonstrated by the fact that the commissioners in Taranaki successfully made a number of Crown grants under the Act. In the case of Native reserves the difficulty of defining those entitled to the land was reduced by the fact that in the process of gaining assent to bring reserves under the Act the commissioners had already ascertained the 'owners' of reserves. Potentially this meant that it would be quicker and easier to issue a Crown grant.

In almost every case where the commissioners recommended a Crown grant be issued to Te Atiawa for Native reserve land it was order to provide a Crown-derived title to settler buyers of all or part of a reserve. For a sale to be completed Maori first had to have a Crown-derived title in order to alienate it to the settler. Parts of Pukaka Native Reserve No. 18 and Raiomiti Native Reserve No. 23 were issued in a Crown grant to Wiremu Te Ahoaho so that a sale of part of the reserves could be concluded with the lessee.⁷⁴⁸ This was probably a satisfactory arrangement for Te Ahoaho. He had cash in hand from the sale to his long-term tenant, Daniel Bishop, and a secure title to the rest of the reserve. In a similar case, a Crown grant was issued to Ropata Ngarongomate a chief of Ngatitairi hapu of Taranaki iwi for Native Reserve No. 7.⁷⁴⁹ Once again the grant was made so that a sale to a settler could be concluded.⁷⁵⁰ However, in the case of part of Ratapihipihi Native Reserve No. 5 no sale was involved and it is uncertain how it came to be Crown-granted to the owners. It is possible that the high standing of the owners enabled them to successfully apply for a grant. One of those named on

⁷⁴⁷ After the establishment of responsible Government legal officials decided that the Governor had no power to issue Crown grants to Maori except in return for payment in the same manner as they were issued to settlers. (Gore Browne to Edward Cardwell, 22 August 1864, BPP, Vol. 14, [3425], p 206. Also see McLean to Gore Browne, 5 September 1862, BPP, Vol. 14, [3425], p 207.

⁷⁴⁸ A Crown grant was issued to Wi Te Ahoaho for 48:2:37 being part Native Reserves 18 and 23 under the Native Reserves Act 1856 on 2 December 1872, ante-vested to 16 May 1857 (G10/364, Land Transfer Office, New Plymouth). Part Native Reserve 23 was sold to Daniel Bishop of Hua for £200 on 15 November 1872 (R11/411, Land Transfer Office, New Plymouth).

⁷⁴⁹ Ropata Ngarongomate was considered by the Crown to be one of the 'leading men' of the Taranaki iwi in 1868 (Bowen to the Duke of Buckingham, 17 March 1868, AJHR, 1868, A-1, encl. 2 in No. 36, p 59). In 1870 he is described as one of the chiefs of the Ngatitairi, of Taranaki iwi amongst the people living between Paritutu and Hauranga ('Return of the Tribes of the North Island', AJHR, 1870, A-11, p 7).

⁷⁵⁰ A Crown grant was issued to Ropata Ngarongomate on 30 October 1877 ante-vested to 3 January 1870 (G13/180, Land Transfer Office, New Plymouth).

the grant was Ngarongomate who would receive a grant a few years later for Native Reserve No. 7, the other three were members of the influential Porutu family of Wellington.⁷⁵¹

It is worth noting that all those who held Crown grants for reserve lands however briefly (most often the grant was made after the land had been sold and was simply back-dated) were prominent Te Atiawa leaders whom the Crown considered to be 'friendly'. As already discussed in relation to the re-purchasing scheme in the Waiwakaiho and Hua blocks, the commissioners may have considered that these men were the most suitable to receive Crown grants because they would act as examples, encouraging more Maori to apply to have their reserves individualised in this way. The high rank and 'loyal' status of these men undoubtedly gave them greater power in the process. Wi Te Ahoaho and Ropata Ngarongomate had assisted government officials at the time of the sale of the Waiwakaiho and Omata purchases, and had long been employed as Native Assessors. It is uncertain whether other Te Atiawa people requested Crown grants for reserves and were denied them, or whether these men were the only ones interested in obtaining a grant. This seems unlikely however, because a large group of Te Atiawa who had interests in Puketotara Native Reserve had taken steps to subdivide the reserve amongst themselves, with many individuals holding their own sections and receiving all the rents from those sections.⁷⁵² It is therefore likely that many of them may have wanted a Crown grant for their portions.

A particular issue here is to what extent Maori men and women were acting as individuals, or acting as trustees or 'front people' for a whole whanau or hapu. The commissioners themselves were under the impression that:

in some cases the common interest of a family or tribe, for whom the reserves were made, is monopolised by a few members who by exercising an arbitrary authority over the land, nullify the interest of less influential members of the tribe or family.⁷⁵³

⁷⁵¹ A Crown grant for part Ararepe Native Reserve No. 2 (140:1:38) was issued to Ropata Ngarongomate, Ihaia Porutu, Henare Piti Porutu and Wiremu Rangiawhio Porutu under the Native Reserves Act 1856 on 16 June 1872 (G12/17, Land Transfer Office, New Plymouth).

⁷⁵² 'An Account of Native Reserves in the Province of Taranaki together with the Owners thereof, AD 1, 1866/610, RDB, Vol. 136, pp 51269 – 51277.

⁷⁵³ 'Report from Commissioners at New Plymouth', 26 June 1858, AJHR, 1858, E-4, p 12.

However, the commissioners were not necessarily privy to the arrangements Te Atiawa political entities were making for the management of their reserves and these individuals may have been appointed by whanau or hapu to act on their behalf. On the other hand, this could well be a sign of the increasing pursuit of property and power by Maori individuals acting without the sanction of the group of owners. Crown grants may have been perceived by Maori as giving them security of tenure, or as a way to have the rights of particular hapu and whanua officially recognised at a time when there was little in the way of title deeds or even leases. Yet it is also possible that some individuals considered a Crown grant to be recognition of mana or a new status symbol. Crown grants may also have appealed to some because they allowed sales of reserves without going through the commissioners. As early as 1854 Cooper noted that Te Atiawa in the Hua block had reminded him of his and McLean's promises that they would be able to sell land in the same way as Pakeha.⁷⁵⁴ A lack of sources makes it impossible to speculate further.

As with the allocation of Native reserves in the Waiwakaiho block, a favourable reputation with the Crown could help a request for a Crown grant while unfavourable status could have the opposite effect. It may have been the case that those with 'rebel' connections were unable to obtain Crown grants. Domett instructed Native Reserves Commissioner Swainson in 1862 that he was to give his

whole attention towards forwarding the views and interests respecting the lands of those Natives who are the avowed friends of the Government and loyal subjects of the Queen. You will not, of course, manifest any inimical feeling towards disaffected Natives; but you will simply decline to assist them in any way.⁷⁵⁵

Clearly there would be few reserves in Taranaki in which at least some owners might not be considered 'disaffected', and indeed an 1866 Army department schedule of reserves with comments on owners rebel/loyal status confirms this.⁷⁵⁶

⁷⁵⁴ Cooper to McLean, 16 May 1854, McLean Papers, MS-Papers-0032-0227, ATL, Wellington.

⁷⁵⁵ Johnson, *The Trust Administration of Native Reserves*, 1997, p 42 citing MA 4/5, p 13, ANZ, Wellington.

⁷⁵⁶ 'An Account of Native Reserves in the Province of Taranaki together with the Owners thereof', AD 1, 1866/610, RDB, Vol. 136, pp 52169 – 52173.

Conclusion

Government instructions to the commissioners and public expectations emphasised that the New Zealand Native Reserves Act 1856 was a mechanism for the issue of Crown grants to Maori. Yet the commissioners in Taranaki made relatively few Crown grants. Those they did make were not issued out of any adherence to policy but to complete a sale of all or part of a reserve to a settler buyer. The commissioners were unable to effect a wholesale conversion of title from customary communal title to individualised Crown-derived title. However what the assent process did do was effectively individualise ownership by listing owners who signed the assent to bring a reserve under the Act. In order to be able to administer the Native reserves in Taranaki the Native reserves commissioners had to persuade Te Atiawa to give their consent to bringing their reserves under the operation of the Act. The location and type of reserve land brought under the Act suggests that many reserves may have come under the commissioners' administration through proposed leases.

Cases where Te Atiawa lived on one portion of a reserve and leased the other portion were almost confined to reserves that had been brought under the Act. This suggests that one or both parties to these leases felt some need for the commissioners as intermediaries should the arrangement become difficult. However, it may be that these reserves had been brought under the Act before these arrangements were made, and that this is merely coincidence. To some extent the commissioners were faced with well established leases of Native reserves and had little choice but to act as intermediaries and sanction existing leases. However, it appears that when settlers and Te Atiawa came to the commissioners with a new lease arrangement the commissioners refused to sanction the lease until the reserve under had been brought the Act.

Evidence suggests that the commissioners took a pro-active approach, visiting Te Atiawa on the reserves and persuading them to bring all the reserves the community owned under the Act. The commissioners were severely constrained by periods of war and unrest in the province, and in these periods few if any reserves were brought under the Act; conversely in periods of peace the number of reserves coming under it increased dramatically. The personal connections that the various commissioners had with Ngamotu hapu communities were also undoubtedly influential in shaping which reserves came under the Act.

However the commissioners were not entirely successful in their approach. Little more than half of all the reserves in the FitzRoy, Omata, Grey, Waiwakaiho and Hua blocks came under their administration; the rest remained in Te Atiawa ownership and control. Amongst some Ngamotu people there was considerable mistrust of the commissioners and their administration. This mistrust must be seen in the wider context of the damage wrought to social trust between the two communities by the Taranaki wars. But there was also a particular fear that the reserves would be confiscated by the Crown along with other land in the province, or in some cases, that they would be taken by the commissioners for non-payment of the repurchase price. This clearly impacted upon the success of the commissioners. As a result of these factors the ownership and control of the Native reserves remained split between Te Atiawa and the Crown with distinct differences in the amount, location and type of reserve land each controlled.

Chapter 6: The Utilization of Native Reserves by Te Atiawa and Settlers in Taranaki, 1858 – 1875

Introduction

The Native reserves in the 'town' and Waiwakaiho and Hua blocks were utilised in a variety of ways by Te Atiawa: they were variously occupied by hapu, leased to settlers or sold. A closer examination of the circumstances that prompted this range of utilisation is required if a coherent understanding of how Te Atiawa managed their reserves is to emerge. It is particularly important to consider the selling of reserves in the context of Te Atiawa strategies for utilising the reserves as a resource. It is easy to see the selling of land simply as an alienation and loss: as the end point of a particular reserve's history. Yet this misses a number of important questions. Firstly, to what extent did economic circumstances prompt hapu to sell reserves and what impact did the size, location and quality of reserves have on these decisions? Secondly, what effect did pressure from settlers and the agendas of the commissioners have on which reserves were sold, and finally what did the selling of reserves mean to Te Atiawa reserve owners in terms of their relationship with the purchaser? An analysis of the number and location of Native reserves sold and the roles that Te Atiawa owners and the commissioners played offers further insight into the decisions to sell certain reserves and the factors that constrained Te Atiawa choices.

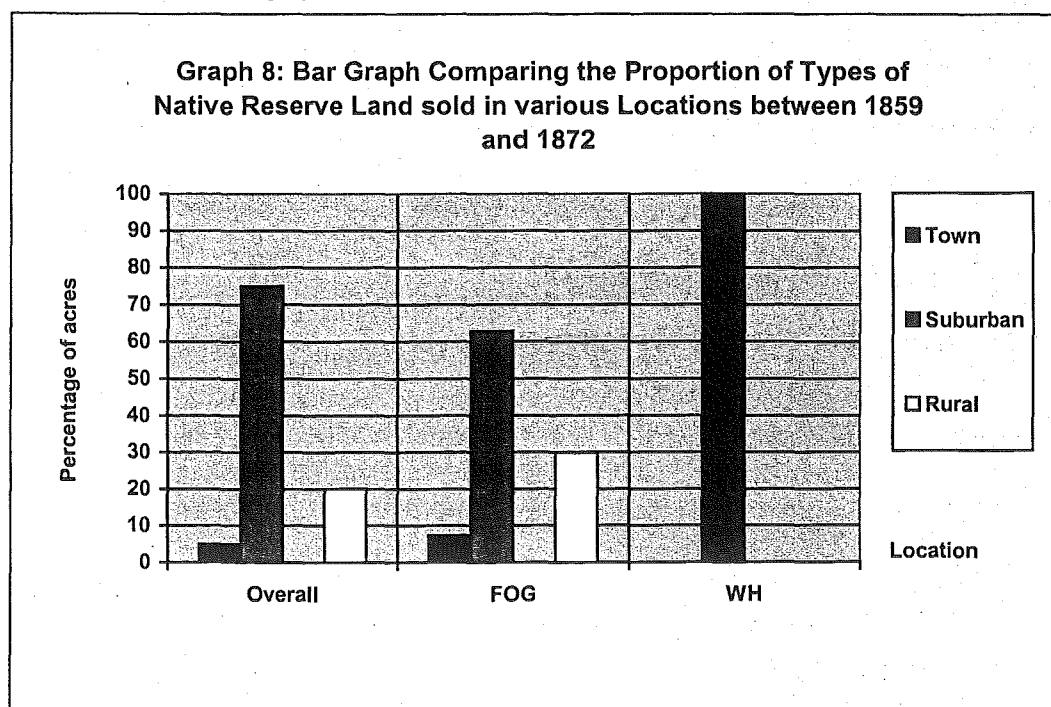
The selling of Native reserves was, statistically at least, a relatively uncommon means of utilising the reserves; leasing and occupying reserves were by far the most common form of use yet thus far we have only the most general idea about which Native reserves Te Atiawa were living on and which were being leased. A further statistical examination of the utilisation of all the reserves in the 'town' and Waiwakaiho and Hua blocks in 1867 and in 1874 provides an insight into the spatial patterns of reserve utilisation and how these changed over time. In particular differences between Native reserves controlled by Te Atiawa and those administered by the commissioners are highlighted. This makes it possible to examine the extent to which decisions about which Native reserves were to be leased or partly leased impacted upon where Te Atiawa communities were able to live. It is clear from the previous chapter that settler demand for suburban reserve land near New Plymouth seems to have been an important factor in bringing about lease arrangements for reserves and that this probably then influenced

which reserves came under the Act. This analysis of utilisation patterns provides an opportunity to further examine these connections between market demand and the pattern of leasing. If there are indeed connections between the two then this may also illuminate the extent to which Te Atiawa engaged with this demand by leasing reserves; the costs and benefits of this engagement to hapu; and to what extent hapu were able to manage their reserves to maximise benefits and negotiate pitfalls.

Utilising the Reserves and Decisions to Sell Reserves

Native Reserves Sold: Acreage, Location and Type of Land

Between December 1859 and November 1872, nine Native reserves were wholly or partly sold.⁷⁵⁷ Seven of these were in the area surrounding the town of New Plymouth; only two were in the Waiwakaiho and Hua blocks. The seven reserves in the town blocks represented over two-thirds (67.42 percent) of the total reserve land sold and over 60 percent (62.79 percent) of this was suburban land. The two reserves in the Waiwakaiho and Hua blocks represented only about one-third (32.58 percent) of all the reserve land sold. However all of the land in these two reserves was suburban land. Altogether the reserve land sold represented 5.15 percent of the total reserve acreage allocated in the 'town' and Waiwakaiho and Hua blocks. These patterns are illustrated in graph 8 below.



⁷⁵⁷ The full statistical analysis from which the figures in this discussion are taken appears in Appendix 6.

Understanding Te Atiawa Decisions to sell Reserve Land, 1859 - 1872

Decisions by Te Atiawa individuals and hapu to sell some of their Native reserves during the Taranaki Wars and the decade that followed need to be viewed in the over-arching context of the impact of war, confiscation and dislocation on the economic capacity of hapu. These events generated and, to some extent perhaps, exacerbated existing problems with the management of debt and restricted access to loans to fund development. These factors in particular constrained continued hapu participation and success in the capitalist economy. Therefore, it can be argued that the selling of reserves was, in the worst circumstances, a means of survival, but in less pressing situations a positive strategy on behalf of hapu (albeit one with serious long-term implications) to overcome financial constraints and fund the development of their most viable reserves.

A full examination of the dynamics of the Te Atiawa economy lies beyond the scope of this thesis and remains one of the most obvious gaps in our understanding of the iwi in the colonial period. However it is instructive to examine the broad patterns of Maori economies in other provinces and assess how well these seem to fit what is known about the Te Atiawa economy after 1860. Paul Monin has discussed some of the risks faced by Maori heavily engaged in the capitalist economy in this period in Hauraki. He concluded that Hauraki Maori found themselves caught in "an inexorable spiral of vigorous commercial enterprise, extravagant investments in schooners and flour mills, mounting debts, growing alcohol consumption, and land sales, as the only way to extinguish debts."⁷⁵⁸ Monin argued that cultural factors contributed to this deepening economic crisis. He suggested that Maori at Hauraki frequently over-stretched themselves by employing western goods and assets in traditional rivalry and displays of tribal mana and therefore were particularly vulnerable to disasters and the fluctuations of the colonial market.⁷⁵⁹

However, Te Atiawa do not appear to have over-extended themselves in this way. So far no evidence of large-scale investment by Te Atiawa in Taranaki in fragile assets such as ships and flourmills has emerged. But many of the factors which Monin identified in relation to rising levels of debt - dependence on export markets, the desire for western goods to employ in inter-

⁷⁵⁸ Paul Monin, 'The Maori Economy at Hauraki, 1840 - 1880', NZJH, Vol. 29, No. 2, 1995, p 202.

hapu exchange, and spending on alcohol – may have contributed to financial stress amongst Te Atiawa. It is uncertain to what extent alcohol contributed to debt and poverty in Taranaki. Te Whiti-o-Rongomai and Tohu Kakahi at Parihaka did forbid drunkenness and decided that all alcohol brought to Parihaka was to be shared free and publicly with meals.⁷⁶⁰ This suggests that some leaders did perceive alcohol as a problem. Maori and alcohol were also perceived as a problem by some Pakeha: Whiteley and Flight worked together to form a total abstinence society for Maori in Taranaki in 1864.⁷⁶¹

As already discussed in chapters 2 and 3, Te Atiawa had prospered during the 1850s, owning considerable numbers of stock, high status agricultural equipment (ploughs, harrows and threshing machines), and carts which provided opportunities to enter the capitalist economy as service providers. However by the 1860s a growing level of poverty and debt amongst Te Atiawa hapu is evident. In this context it appears that some Native reserves were sold simply to provide immediate financial relief or to clear the most pressing debts. The number of entries in the Maori Affairs series letters registers that recorded requests for government money, or reimbursement, to buy food for communities is evidence that the Taranaki Maori community as a whole suffered a considerable level of poverty during the two decades from 1860 to 1880.⁷⁶²

These letter entries indicate that some hapu found themselves unable to stretch beyond subsistence. Some had difficulty maintaining themselves while away from home, requesting provisions during their attendance at the Compensation Court in 1866⁷⁶³, and there was one occasion when destitute Maori were sent to the hospital.⁷⁶⁴ Poverty had the potential to interfere with the ability of hapu to provide for guests and fulfil similar cultural obligations. The civil commissioner frequently sent accounts of money expended to provide food for Maori

⁷⁵⁹ Ibid, p 207.

⁷⁶⁰ In 1870 Te Whiti is recorded as having said to the people, "If you have taken silver, then indeed you will be lost. What good have you got when you stretched forth your hand for it? Did it not turn you to poisonous drink which maddened you? And then where was the land of your fathers?" cited in Marten Hutt, *Te Iwi Maori me te inu Waipiro: He Tuhituhinga Hitori - Maori & Alcohol: A History*, Heath Services Research Centre/ALAC, Wellington, 1999, p 41.

⁷⁶¹ Carter, 1955, p 11.

⁷⁶² The letter register entries quoted in the following discussion appear in full in table in Appendix 7. Unfortunately the actual letters themselves have not survived.

⁷⁶³ 66/910 dated 8 May 1866 in MA 2/7, ANZ, Wellington.

visiting the rohe, in 1868 the civil commissioner provided food for visiting South Island Maori and for "starving Chatham Islanders" who had arrived.⁷⁶⁵ Food supplies were also sent to Taranaki from Te Atiawa living in the Cook Strait region.⁷⁶⁶

Amongst these entries indicating the worsening economic situation amongst Te Atiawa are a number of requests by Te Atiawa owners of customary land and Native reserves which make explicit connections between economic hardship and the wish to sell land. For example, Ropata Ngarongomate wrote requesting that he be allowed to sell Native Reserve No. 7, giving his reason as a wish to use the money from the sale to pay his debts.⁷⁶⁷ When Pipiko Native Reserve No. 8 was sold in 1859 the purchase money was paid in two installments. The share of one of the owners, Manahi, in the second installment received in January 1862, was paid directly to Mrs Hoskin. It seems likely that this was in repayment of a debt.⁷⁶⁸ In 1867, the civil commissioner recommended that Maori be allowed to sell 150 acres of land at Waitara at once because they were in want of food.⁷⁶⁹

Beyond these cases of most pressing want were a number of instances where Te Atiawa Native reserve owners asked the Native reserves commissioners to sanction agreements they had made with settlers to purchase small reserves in order to provide capital to develop other larger, more viable reserves. In 1859 More, the owner of Otumaikuku Native Reserve No. 9, asked Commissioner Whiteley to allow him to sell the reserve, "because he wanted money at once with which to purchase a plough bullock for the cultivation of his other lands."⁷⁷⁰ In part More's course of action arose out of a lack of means to raise capital by loans. Certainly the option of selling must have been tempting since Te Atiawa had already experienced the injection of large sums of capital into their communities. However, like many of the reserves allocated to Te Atiawa in the FitzRoy block, Otumaikuku was poor quality land, and simply too

⁷⁶⁴ 80/3857 dated 15 November 1880 in MA 3/13; 80/4158 dated 21 December 1880 in MA 3/13 both ANZ, Wellington.

⁷⁶⁵ 68/884 dated 22 May 1868 in MA 2/8; 68/1475 dated 3 September 1868 in MA 2/8 ANZ, Wellington respectively.

⁷⁶⁶ 68/1474 dated 3 October 1868 in MA 2/8, ANZ, Wellington.

⁷⁶⁷ R Ngarongomate, Taranaki, 15 April 1875, 75/2242 in MA 3/8, ANZ, Wellington.

⁷⁶⁸ *Taranaki Provincial Gazette*, Vol. XVI, No. 1, 1868, p 10.

⁷⁶⁹ 67/841 dated 4 June 1867 in MA 2/8, ANZ, Wellington.

⁷⁷⁰ Whiteley to Gore Browne, 28 September 1861, John Whiteley Papers, MS-Papers-0484-5, ATL, Wellington.

small to be economically viable.⁷⁷¹ These reserves had generally been set aside because they were either a waahitapu or an area under cultivation.

If the reasons for wishing to sell reserves are now clearer, the question of who had the right to sell and whose interests the sellers were conveying or believed they were conveying are still at issue. As already noted, as early as 1858, the commissioners in Taranaki had noted in the context of leasing and receiving rents that certain individual owners were most involved in transactions.⁷⁷² It is uncertain whether the individuals and very small groups of individuals who made requests to sell reserves were simply acting as representatives and trustees for the wider kin-group with interests in the reserves or whether they were acting as individuals. It is quite possible that Maori acted as individuals for their own economic and cultural reasons. It may have been, as in the case of earlier sales to the Crown, that these individuals perceived that being accepted as the seller meant that their mana as a right holder/owner was being recognised.

The Commissioners' Role in the Sale of Native Reserves ***Commissioners' Responses to Te Atiawa Requests***

In many cases the Taranaki Native reserves commissioners sanctioned the sale of reserves in direct response to requests from Te Atiawa. In 1861, John Whiteley assured the Governor that decisions to sell reserves were only made where Te Atiawa had requested the commissioners to do so:

We do not decide to sell, lease or let for the benefit of the public but at the request of the Native owners and for their respective benefit. And in consultation with the Natives and with the approbation of the Governor we are perfectly at liberty to sell lease or let in any way we may consider best for those whom we represent.⁷⁷³

That the commissioners considered Te Atiawa requests to be a significant factor in their procedures suggests that local concerns and practicalities were influential in their decision-making regarding sales. Foremost among these practicalities was the fact that the reserves were providing homes for Maori and the wholesale disposal of reserves would have left the

⁷⁷¹ Whiteley described the reserve as "very broken, [and having] been denounced as very inferior (Ibid).

⁷⁷² 'Report from Commissioners at New Plymouth', 26 June 1858, AJHR, 1858, E-4, p 12.

⁷⁷³ Whiteley to Gore Browne, 28 September 1861, Whiteley Papers, MS-Papers-0484-5, ATL, Wellington.

commissioners with the problem of where Te Atiawa were going to live. As noted previously, Te Atiawa had been allocated very few town reserves, and most of these were sold during the 1859 – 1861 period while the Crown was clearing the township of Maori. The commissioners feared that displacing Te Atiawa by selling further reserves would lead to pressure for more reserves to be made in blocks of land sold in the future. This would then reduce the amount of prime land for settlement. As already discussed in chapter 5, the commissioners themselves had multiple close connections with Te Atiawa communities and would have been anxious to avoid conflict that could damage these relationships, render them ineffectual in their official and civic functions, and impact on important relationships with fellow settlers. To make unilateral decisions to sell Native reserves would put these relationships in jeopardy by provoking strong protest if not outrage from Te Atiawa. These concerns would certainly have been reinforced by recent incidents that had seen Te Atiawa regarded as a security threat to the settlement.

It is worth noting that Native reserves commissioners in other provinces seemed less influenced by the possible reactions of Maori in the approach they planned to take. Both the Otago and Nelson commissioners had plans that involved wide reaching changes to the allocating and management of the reserves, and in contrast to Taranaki, neither of their reports reflected any feeling of being constrained by existing Maori control of the reserves. The Otago commissioners reported that to aid the assimilation of Maori they were in favour of extinguishing the Native title to all the reserves, dividing them amongst Maori, and giving each individual a Crown grant for the portion allotted to them.⁷⁷⁴ In Nelson the commissioners took a different approach. They decided that their duty under the Act to benefit Maori was best fulfilled by determining which reserves ought to remain as permanent living places and endowments for Maori, and then selling the rest. They had calculated that investing the proceeds from the sales would make a better return than rents could provide.⁷⁷⁵

⁷⁷⁴ The commissioners expressed the hope that this would lead to Maori settling in one place, emulating Europeans, receiving educational and religious instruction, increase their "desire for improving the worldly circumstances" and encourage "self-respect, and obedience and respect to the ordinances of Law and good Government." ('Report of the Commissioners of Native Reserves for the Province of Otago', 21 June 1858, AJHR, 1858, E-4, p 13).

⁷⁷⁵ 'Report from Commissioners at Nelson', 2 June 1858, AJHR, 1858, E-4, p 2.

The Taranaki commissioners' responsiveness to Maori requests to sell reserves, and the opportunity this seemed to provide for Te Atiawa to participate in the process were undermined by the commissioners' sole power to make decisions about the sale of reserves. In practice the commissioners used this power to delay granting requests when it was considered politically expedient, that is when selling a reserve did not fit with the agendas of the settler majority. In 1858, the commissioners reported that although there were owners of reserves who were keen to sell, they were withholding their permission for the time being because "it would be the means of creating claims in the unpurchased districts either for reserves or re-purchases at a nominal price, and of increasing the difficulties of negotiations."⁷⁷⁶ However, it is interesting that the pattern of reserve sales corresponds closely with that of reserves being brought under the Act. This suggests that patterns of war and peace in the province and their impact on the commissioners' ability to visit Te Atiawa communities also affected which reserves were sold and when (see graph 3).

The commissioners were also influenced by a variety of local pressures to get rid of the Native reserves in and near the township of New Plymouth. In Taranaki, settler attitudes towards reserves scattered amongst their own sections were deeply ambivalent. Essentially, leasing was the only use reserves were seen to have. In every other way Native reserves were considered a cost and a nuisance to the settler population. The editor of the *Taranaki Herald*, on hearing that the 1856 Act had been passed, described the Native reserves as

situated in the heart of the settled districts, and ... mostly in the true sense of the term a public nuisance ... The impracticality of dealing with lands so situated is a serious and growing evil to the community, and neutralizes in some instances the best efforts to carry on Public Works.⁷⁷⁷

The issues for settlers (including the Native reserves commissioners) were not ideological ones about the communal nature of reserves but focused around the economic cost to settlers of thistles, roads, and fences on or through unoccupied or 'neglected' reserves. In 1857 the superintendent, later Native reserves commissioner, George Cutfield, complained to McLean that the provincial council was spending £10 per year to eradicate thistles from Native

⁷⁷⁶ 'Report from Commissioners at New Plymouth', 26 June 1858, AJHR, 1858, p 12.

⁷⁷⁷ The *Taranaki Herald*, 14 November 1857.

reserves.⁷⁷⁸ John Whiteley also noted that "the thistle [on Native reserves] was left to grow and spread to the great injury of adjoining land, and the Government was yearly put to the expense of eradication."⁷⁷⁹ Richard Brown complained that unoccupied Waiwakaiho reserves "were nurseries for propagating the Scotch thistle, and entailed on the back of settlers the expense of making and maintaining six miles of road through them, to which road the Native proprietors were not liable to contribute."⁷⁸⁰ Where the communal tenure of reserves was raised as an objection the considerations were pragmatic. In December 1859, the editor of the *Taranaki Herald* expressed himself "extremely glad" at the notice of public auction of Native reserves including Pipiko and parts of Moturoa and Ararepe. His reasons were that, amongst other things "the tribal tenure under which they are claimed is a fruitful source of contention amongst the owners" and that "disputes are always occurring with the owners of neighbouring land from want of boundary fences."⁷⁸¹

In conclusion, as discussed previously the Act implied a trust-like arrangement. Therefore the question arises as to whether the power of the commissioners to make the ultimate decision about the sale of a reserve was in conflict with good trusteeship? The designer of the Act, Henry Sewell certainly did not think so. When he included these provisions he wrote that he wanted to avoid the situation which had occurred in England, where lands were locked in trusts which were then unable to respond to changing circumstances ("a law of Mortmain").⁷⁸² But when the commissioners' right to make the final decision about the sales; significant settler pressures for the commissioners to sell reserves; the lack of Maori commissioners and insufficient checks and balances within the process of securing assent to such decisions were combined, the potential was for decisions made by the commissioners to be ultimately harmful to the long-term economic and cultural interests of iwi.

⁷⁷⁸ Cutfield to McLean, 6 February 1867 [1857] Indeed in 1858 tenders were called for by the provincial secretary for the eradication of Scotch thistle on Native Reserves No. 3 and No. 4 (*Taranaki Provincial Gazette*, Vol. VI, No. 15, 1858, p 82). The tender was won by the lessee of subdivisions 8 and 46 of Puketotara Native Reserve No. 3, S Matthews (*Taranaki Provincial Gazette*, Vol. VI, No. 18, 1858, p 95 and Commissioner's Native Reserve Accounts, *Taranaki Provincial Gazette*, Vol. XVII, No. 2, 1869, pp 7 – 10).

⁷⁷⁹ Whiteley to Gore Browne, 28 September 1861, Whiteley Papers, MS-Papers -0484 -5, ATL, Wellington.

⁷⁸⁰ Public Meeting at New Plymouth, 10 March 1859 reported in the *Taranaki Herald*, 19 March 1859.

⁷⁸¹ The *Taranaki Herald*, 3 December 1859.

⁷⁸² Sewell journal entry, 29 June 1856, *The Journal of Henry Sewell 1853 -7*, McIntyre (ed), Vol. II, 1980,

Exchanging and Subsuming Small Reserves

On a number of occasions the negative opinions about Native reserves combined with other practical considerations to prompt the commissioners to move quickly to deal with small reserves. These reserves were the result of Governor FitzRoy having reserved small areas that had been cultivations at the time of the 1844 agreement. Robert Parris observed that "this class of reserves has given the Government from time to time a great deal of trouble."⁷⁸³ The trouble was that they were in the middle of sections so settlers found them inconvenient but could not legally occupy or use them, and they were too small to be economically viable for Te Atiawa. By selling, exchanging and subsuming these reserves the commissioners were in fact mopping up the last vestiges of the tenths-like scheme implemented in the 1844 FitzRoy agreement.

As a first step in getting rid of these reserves the commissioners actively sought to bring them under the Act.⁷⁸⁴ Then the reserves could be sold, exchanged or incorporated outright into the settler-owned sections surrounding them. Information in official sources documenting the fate of such reserves is often contradictory. This would suggest that few of these arrangements were formally recorded at the time they were made. Marangi Native Reserve No. 24 was sold to the settler on whose section it was situated. In this case the settler offered what the commissioners considered a fair price, the section was not publicly auctioned and Te Waka, an influential chief then living at Puketotara, but formerly of Te Kawau pa, was paid the purchase money for the reserve.⁷⁸⁵ In many other cases compensation in land or cash is supposed to have been given but there is no hard evidence that this actually occurred. It appears that Native Reserve No. 13, a half acre reserve almost adjacent to Pukenui Native Reserve No. 14, was owned by Timotu. It was handed over to the settler owner of the section and an equivalent area of land was given within the Pukenui Native Reserve No. 14 in compensation.⁷⁸⁶ All that is known of the fate of Native Reserve No. 19 is a note on a

pp 251-252.

⁷⁸³ Parris to the Native Secretary, 28 April 1868, *Turton's Epitome*, D-118.

⁷⁸⁴ Parris noted that "I have caused this reserve [Marangi Native Reserve 24], with three others, to be brought under the Native Reserves Act for management in the usual form" (*Ibid*).

⁷⁸⁵ *Ibid* and 'An Account of Native Reserves in the Province of Taranaki together with the Owners thereof', AD 1, 1866/610, RDB, Vol. 136, pp 52169 - 52173.

⁷⁸⁶ 'Return of Lands under the Operation of the Native Reserves Act 1882, Available for Administration Purposes, Native Trust Office, Wellington', 8 July 1911, MA-MT 6/12, ANZ, Wellington. This is clearly shown on 'New

schedule, "supposed to be disposed of by exchange and compensation in other land."⁷⁸⁷ The nine acres of Native Reserve No. 21 were "exchanged for Town sections 2043 – 2045 and 2062 – 2064 on 6 December 1852" (before the commissioners began their work), and these were rapidly sold before a Crown grant was issued to Maori owners for them.⁷⁸⁸ The fate of Native Reserve No. 22 is also uncertain: the schedule comments that it was "1 acre on settler section – no doubt compensated for", and notes that Native Reserve No. 25, also one acre, was "compensated for by exchange for other land which forms part of No. 7 reserve."⁷⁸⁹

The Sale of Larger Native Reserves

Some requests by Te Atiawa individuals to sell reserve lands were granted rapidly, while others made repeated requests over a period of years before the reserve was finally sold.⁷⁹⁰ Given the pressure from settlers and government to clear the town of Maori as war approached it is unsurprising that requests by Te Atiawa individuals to sell reserves in 1859 and 1860 were quickly acted upon by the commissioners. The request of owners to sell Pipiko Native Reserve No. 8 was reported on 18 October 1859, it was sold less than two months later by public auction on 17 December 1859.⁷⁹¹ Action was so swift in the case of Manawawai Native Reserve that the commissioners only reported the request of owners to sell a month after the sale had been completed.⁷⁹² It was in fact sold by public auction on 17 December 1859 and a Crown grant was later issued to John Dingle (the notice of auction notes that the reserve was adjacent to Dingle's property) under the New Zealand Native Reserves Act 1856 on 20 June 1862.⁷⁹³

Plymouth Street Plan, n/d [c. 1860s] MapColl-832.295gbbd/1867/Acc 3308, ATL, Wellington as is an enlargement in "compensation for throwing open Lemon Street."

⁷⁸⁷ 'Return of Lands under the Operation of the Native Reserves Act 1882, 8 July 1911, MA-MT 6/12, ANZ, Wellington.

⁷⁸⁸ Ibid.

⁷⁸⁹ Ibid.

⁷⁹⁰ The letter register entries quoted in the following discussion appear in full in a table in Appendix 8.

⁷⁹¹ 59/574 dated 18 October 1859 in MA 2/4, ANZ, Wellington and the *Taranaki Herald*, 10 December 1859.

⁷⁹² It is clear from a notice of auction in the *Taranaki Herald* that Manawawai was part of Ararepe Native Reserve 2 (The *Taranaki Herald*, 10 December 1859) and 60/52 dated 17 January 1860 in MA 2/4, ANZ, Wellington.

⁷⁹³ A Crown grant was issued to John Dingle for part Ararepe Native Reserve No. 2 (53:0:00) under the New Zealand Native Reserves Act 1856 on 20 June 1862 (R 3/299, Land Transfer Office, New Plymouth).

Yet there were a number of other cases where requests by Maori to sell reserves were repeatedly reported by the commissioners over a period of several years before a sale was actually made. It was first reported in December 1862 that Te Atiawa had expressed a wish to sell part of Pukenui Native Reserve No. 14, which lay close to the Te Henui Steam bounded by Hobson and Watson Streets.⁷⁹⁴ The matter was raised again in 1864, and appears again in 1877.⁷⁹⁵ Even after this series of requests no sale of the reserve land at Pukenui was made. The case of Native Reserve No. 7, a 75 acre reserve owned by the Taranaki chief and Native Assessor Ropata Ngarongomate at the intersection of South and Devon Roads almost adjacent to the Moturoa Native reserve, was similar. The decade of delay suffered by Ngarongomate is puzzling considering what an influential man he was. His first request to sell the reserve was reported by Parris in 1862.⁷⁹⁶ In 1866, the civil commissioner again reported that Ngarongomate wished to sell some land to pay his debts.⁷⁹⁷ In 1868, a letter register entry recorded that the reserve was brought under the Act because "Natives wish to sell."⁷⁹⁸ Further letters relating to the request by Ngarongomate to sell are recorded in 1868. It was revisited again in 1877, when a Crown grant was finally arranged for Ngarongomate to enable him to sell the reserve.⁷⁹⁹

The Leasing of Native Reserves to Settlers and the Occupation of Reserves by Te Atiawa

Introduction

Those Native reserves that had not been sold, exchanged or subsumed and which had not been brought under the operation of the Act remained in control of Ngamotu hapu. These hapu leased and occupied various portions of the town, suburban and rural reserves in the 'town' and Waiwakaiho and Hua blocks. It is necessary to delineate these patterns in order to explain why certain reserves were utilised in a particular way. This will allow the complexity of

⁷⁹⁴ Robert Parris, 1 December 1862, 62/1091 in MA 2/4, ANZ, Wellington.

⁷⁹⁵ 64/1679 dated 16 September 1864 in MA 2/6 and 77/4411 dated 27 November 1877 in MA 3/10, both ANZ, Wellington.

⁷⁹⁶ Robert Parris, 31 December 1862, 63/27 in MA 2/4, ANZ, Wellington.

⁷⁹⁷ Civil Commissioner, Taranaki, 21 December 1866, 67/315 in MA 2/8, ANZ, Wellington.

⁷⁹⁸ 68/340 dated 19 February 1868 in MA 2/8, ANZ, Wellington. No gazette notice bringing the reserve under the Act has been found so this has not been able to be confirmed.

⁷⁹⁹ 68/1237 dated 4 August 1868; 68/1377 dated 3 September 1868; 68/1813 dated 27 November 1868 all in MA 2/8, ANZ, Wellington. Also 75/1748 dated 15 April 1875; 75/2242 dated 15 April 1875 and 75/3465 dated 1 July 1875 all in MA 3/8, ANZ, Wellington. The reserve was sold two years prior to this grant to J Veale on 29 September 1875 for £350 (R 12/823, Land Transfer Office, New Plymouth).

Ngamotu hapu management of their reserves to be more fully understood. In turn, their management of reserves in their control needs to be compared with the patterns of utilisation of the reserves that the Crown controlled (that is those directly administered by the commissioners).

Source of Data and Method of Analysis

Native reserve schedules published in the *Appendices to the Journals of the House of Representatives* have been used as the basis for the statistical analysis that follows. Where these schedules cannot supply data on the utilisation of a particular reserve other schedules and accounts have been used to supplement the data. Only two schedules, those from 1867 and 1874, gave comparable data on how the reserves were being used. Therefore, all that can be presented here are two snap-shots of Native reserve usage in Taranaki. For each of these years each reserve was placed in a category from the remarks made against it on the schedule. It was found that reserves fell into the following main categories: wholly unoccupied, wholly occupied by Te Atiawa, wholly leased to settlers, and partly leased to settlers with the remainder occupied by Te Atiawa.

In addition, the 1874 schedule divided the reserves into two groups: those vested in the Crown (here it became evident from gazette notices that all these reserves were those which had been brought under the Act) and those vested in Te Atiawa, that is not brought under the Act. Using gazette notices of assent it was possible to accurately divide the reserves on the 1867 schedule into these groups as well. The 1874 schedule also categorised each reserve by type of land: Town, suburban, suburban/rural, and rural. Using this schedule and historical maps of New Plymouth it was possible to tag the reserves on the 1867 list with these categories as well. As a number of reserves did not appear on either schedule these were put into categories using title history accounts by Janine Ford and Aroha Harris, Native reserve accounts, and other archival reports and schedules.⁸⁰⁰ Occasionally even all these sources failed to indicate how a reserve was being used in 1867 and 1874 and such reserves were placed in the "no comment" category. In a number of instances sources gave conflicting data;

⁸⁰⁰ Ford, 1991; Harris, 1991.

where schedules were in conflict with accounts, the accounts have been taken as the more reliable source since these involved the collection and distribution of rents.

It must be emphasised that the categories of utilisation in official sources reflect settler cultural constructs of land use. This is important as the raw data used here is only available in official sources, compiled by settler officials whose cultural view of land meant that they classified any reserve not being cultivated or occupied as 'unoccupied'. This does not mean that the reserve was unused by Te Atiawa. For example, remote bush reserves and reserves which consisted of coastal sand dunes were classified on this basis as 'unoccupied', yet it is very likely that Te Atiawa people used remote rural bush lands for hunting and gathering, and as a place of refuge in times of threat. Sand dunes were also traditionally used as temporary burial places in this coastal area.⁸⁰¹

Research Hypothesis

The historical data already examined regarding the leasing of Native reserves by Ngamotu hapu to settlers suggests that patterns of utilisation reflect differences in the market demand and desirability of the land. It suggests that there was a positive co-relation between desirability and distance from the township of New Plymouth. That is, we would expect that significantly more town or suburban reserves would be leased to settlers, and that the rate of leasing for these types of reserves would be higher in the 'town' blocks than in the Waiwakaiho and Hua blocks. Rural reserves would be less likely to be leased to settlers, and rural reserves in the Waiwakaiho and Hua blocks the least likely to be leased. The statistical analysis also sought to provide some insight into how these patterns of utilisation were affected by who owned and controlled the reserves. In particular how would the patterns of utilisation of the reserves owned and managed by the Crown and those owned and managed by Maori reflect differences and similarities in responses to market demands?

Patterns of Utilization, 1867 and 1874

This section provides a summary of the patterns revealed by the statistical analysis. All the figures used in this section and in the discussion that follows in the remainder of the chapter

are included in tables in Appendix 10. Several terms and abbreviations used in the text, graphs and tables require further explanation. Four variables have been used in the analysis: utilisation, location, type of land and control.

'Utilisation' has been abbreviated on the graphs as follows:

- wholly unoccupied (WUO)
- wholly occupied by Maori (WOM)
- wholly leased (to settlers) (WL)
- Partly occupied by Maori, remainder unoccupied (POM/UO)
- Partly leased (to settlers), remainder's use unknown (PL/UK)
- Partly unoccupied, remainder leased (to settlers) (POU/PL)
- sold (SOLD)
- exchanged for other land (EX)
- taken for military purposes (TMP)
- subsumed into settler sections (SUB)
- burial ground (BUR)
- no comment made in sources (NC).

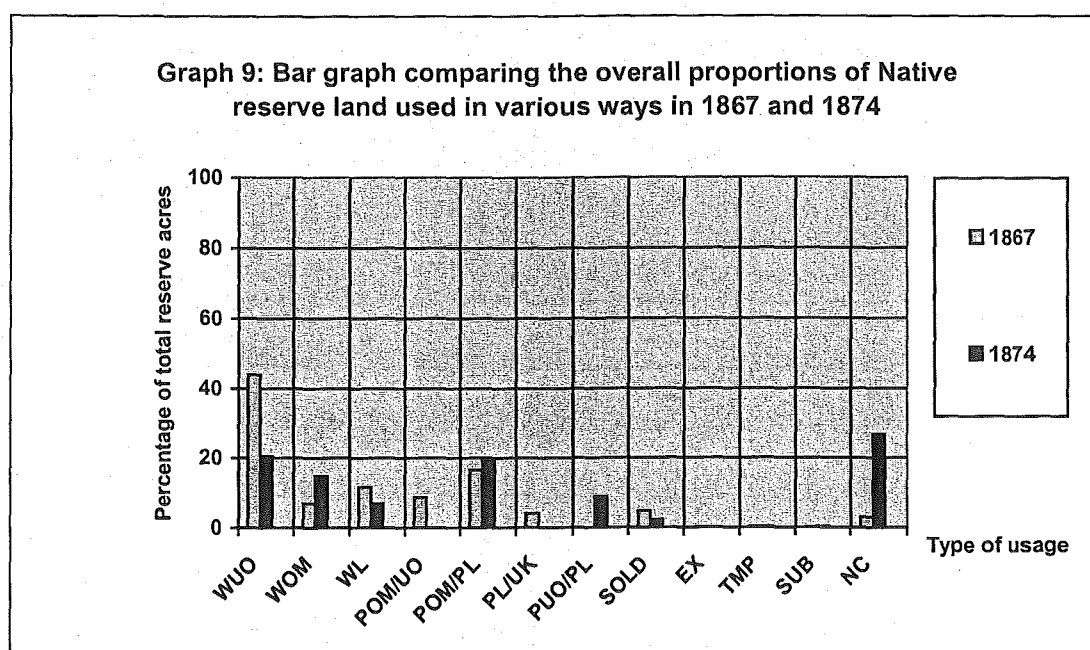
'Location' refers to whether reserve land used for a particular purpose was located in the 'town' blocks, that is in the FitzRoy, Grey and Omata blocks (FOG) or in the Waiwakaiho and Hua blocks (WH). 'Type of land' refers to whether the reserve land used for a particular purpose in a location was town (T), suburban (S), rural/suburban (R/S) or rural (R) land. 'Control' refers to whether the reserve was in Crown control, or that of Te Atiawa.

Changes in Overall Patterns of Utilization over Time

In 1867, 44 percent of the Native reserves listed were wholly or partly unoccupied; this dropped significantly to 20.52 percent by 1874, that is less than half of what it had been in 1867. Almost a third (32.12 percent) of all the Native reserve land listed in the schedule in 1867 was wholly or partly occupied by Te Atiawa. However Te Atiawa wholly occupied only

⁸⁰¹ Boulton, 'Bell Block/Hickford Park: Historical Research and Land Title History', Commissioned by The New Plymouth District Council, Parks Department, August 1994 and written for Te Roopu O Te Atiawa Rohe Development Trust, New Plymouth, citing personal comment by Grant Knuckey, pp 48 – 49.

6.90 percent of these. By 1874 the overall figure had risen only slightly to 33.99 percent.⁸⁰² In 1867 about a third (32.28 percent) of the Native reserve land listed was wholly or partly leased to settlers.⁸⁰³ This rose very slightly in 1874 to 35.01 percent.⁸⁰⁴ But the proportion of land wholly occupied by Te Atiawa had risen to 14.76 percent. These patterns are shown on graph 9 below.



Changes in the Overall Patterns of Utilization in Native Reserves Controlled by Te Atiawa

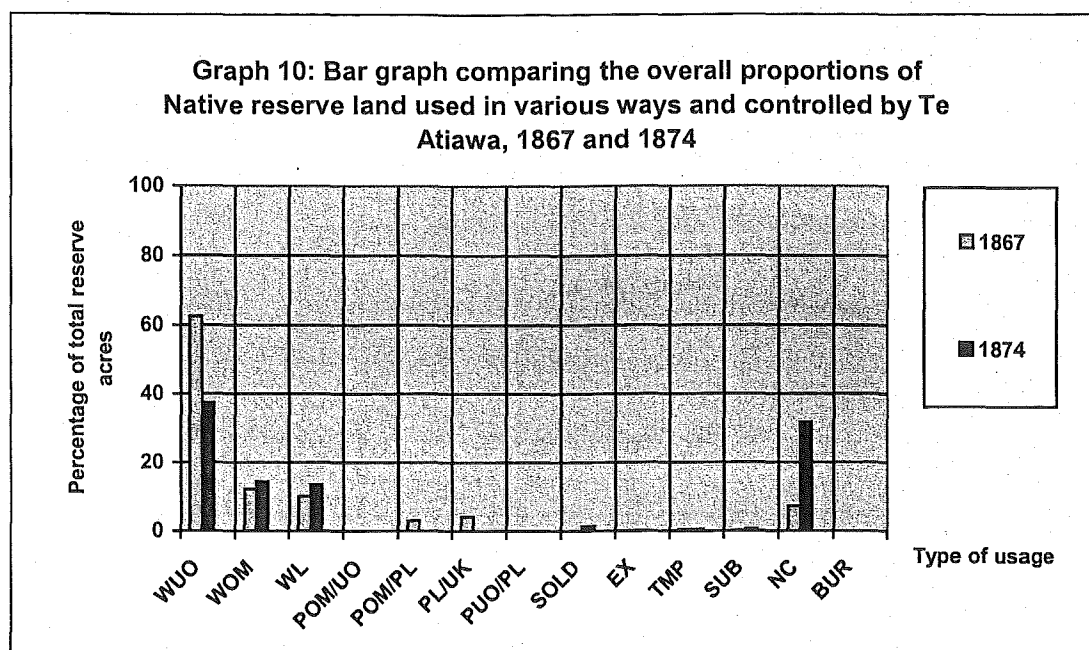
In 1867, 62.51 percent of the Native reserves listed as controlled by Te Atiawa were wholly or partly unoccupied; this dropped to 37.46 percent in 1874. In 1867, 15.34 percent of all the Native reserve land controlled by Te Atiawa was partly or wholly occupied by them. Te Atiawa communities wholly occupied the majority (12.27 percent) of this. By 1874, this figure had dropped very slightly to 14.41 percent but Te Atiawa wholly occupied all of this. In 1867, the proportion of reserve land in Te Atiawa control that was being wholly or partly leased to settlers was 17.28 percent. The great majority (13.56 percent) of this was wholly leased reserves. By 1874, Te Atiawa were leasing only 13.56 percent of the reserve land in their

⁸⁰² This included reserves partly occupied by Maori/partly unoccupied; partly occupied by Maori/partly leased and reserves wholly occupied by Maori (for full figures see tables in Appendix 10).

⁸⁰³ This included reserves partly occupied by Maori/partly leased and reserves that were wholly leased.

⁸⁰⁴ It should be noted that between 15 and 30 percent of the known reserves in these blocks were not listed in these schedules.

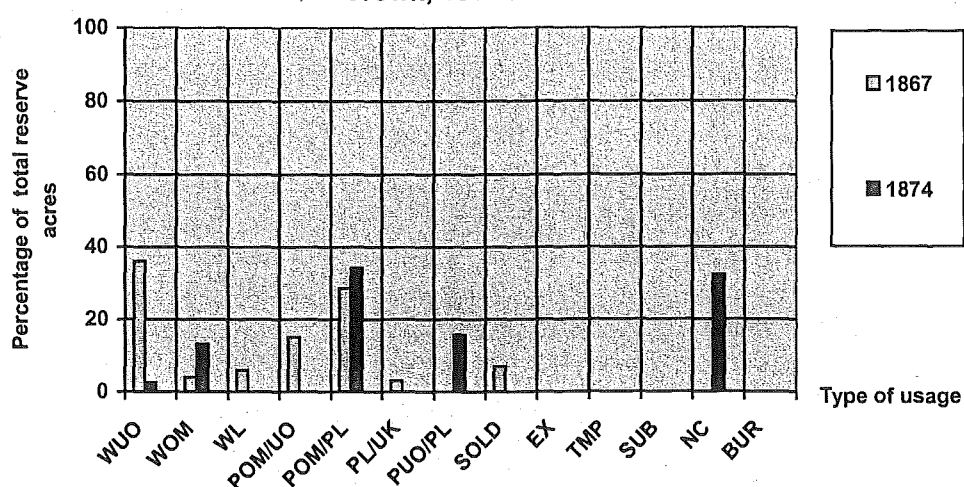
control, and all of this was in reserves that were wholly leased to settlers. These patterns are shown on graph 10 below.



Changes in the Overall Patterns of Utilization and Location in Native Reserves Controlled by the Crown

In 1867 over a third (36.14 percent) of the Native reserves listed as controlled by the Crown were wholly or partly unoccupied; this dropped dramatically to just 2.60 percent in 1874. In 1867, nearly half (47.80 percent) of all the Native reserve land listed in the schedule as controlled by the Crown was partly or wholly occupied by Te Atiawa. However they wholly occupied only 4.07 percent of the total Crown-controlled reserve acres. By 1874 Te Atiawa were wholly or partly occupying 47.39 percent of the Crown-controlled reserves but the proportion of this they wholly occupied had risen significantly to 13.30 percent. In 1867, over a third (37.71 percent) of the reserve land in Crown control was being wholly or partly leased to settlers: the majority of this (28.64 percent) was in reserves partly leased to settlers and partly occupied by Te Atiawa. By 1874, the proportion of reserve land controlled by the Crown and wholly or partly leased to settlers had risen significantly to 49.99 percent. Of this none involved reserves that were wholly leased to settlers. These patterns are shown on graph 11 below.

Graph 11: Bar graph comparing the overall proportions of Native reserve land used in various ways and controlled by the Crown, 1867 and 1874

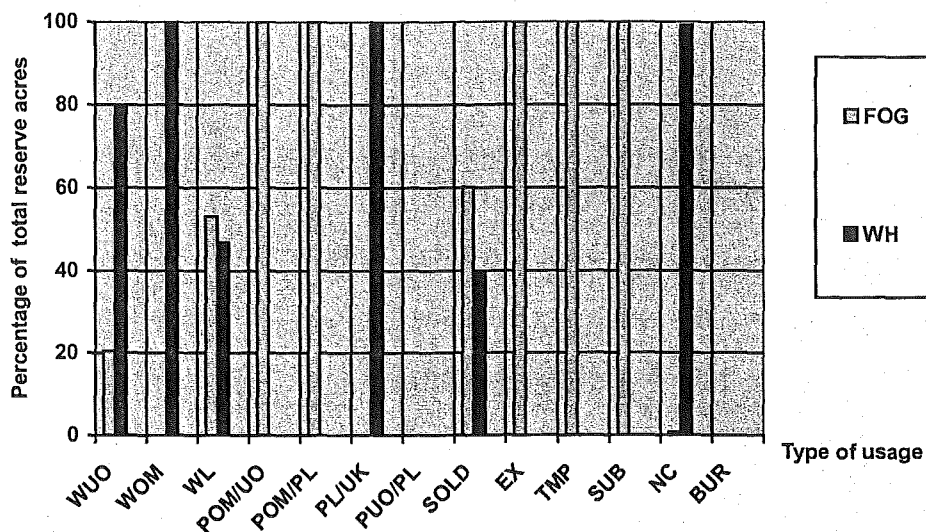


Overall Changes in Utilization by Location

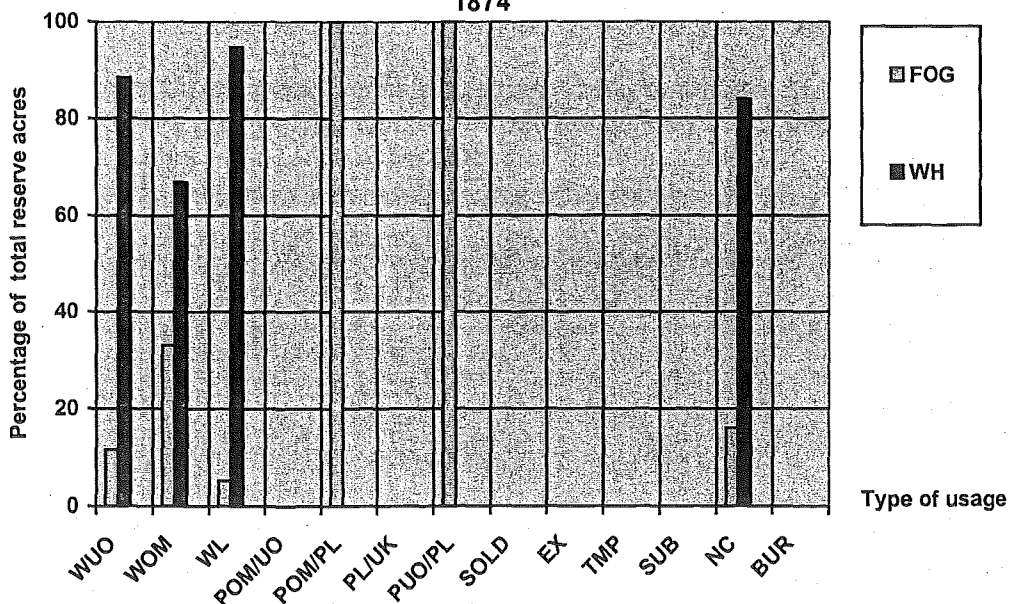
Utilisation can be further examined by comparing what proportion of the reserve land being utilised for a particular purpose was located in the FitzRoy, Omata and Grey blocks (FOG blocks) compared to the proportion located in the Waiwakaiho and Hua blocks (WH blocks). In 1867 the majority of reserve land that was unoccupied lay in the Waiwakaiho and Hua blocks (79.49 percent). Only 20.51 percent of the unoccupied reserve land was located in the blocks closest to the town. This trend was even more pronounced by 1874 when 88.44 percent of unoccupied reserve land lay in the Waiwakaiho and Hua blocks and only 11.56 percent in the 'town' blocks. In 1867, all reserve land controlled by the Crown and wholly occupied by Te Atiawa was located in the Waiwakaiho and Hua blocks. By 1874 this had changed markedly: a third (33.09 percent) of the reserves wholly occupied by Te Atiawa were in the 'town' blocks. However, two-thirds (66.91 percent) remained in the Waiwakaiho and Hua blocks. All reserves partly occupied by Maori and partly leased to settlers were in the 'town' blocks. This did not change between 1867 and 1874. However, this was not the case with reserves wholly leased to settlers. In 1867 these were almost equally likely to be located in the 'town' blocks (53.17 percent) as they were to be in the Waiwakaiho and Hua blocks (46.83 percent). This balance had radically shifted by 1874 when 94.74 percent of all wholly leased reserves controlled by

the Crown were in the Waiwakaiho and Hua blocks, and only a tiny proportion (5.26 percent) were in the 'town' blocks. These patterns are shown on graphs 12 and 13 below.

Graph 12: Bar graph comparing the overall proportions of Native reserve land utilised for various purposes by block location in 1867

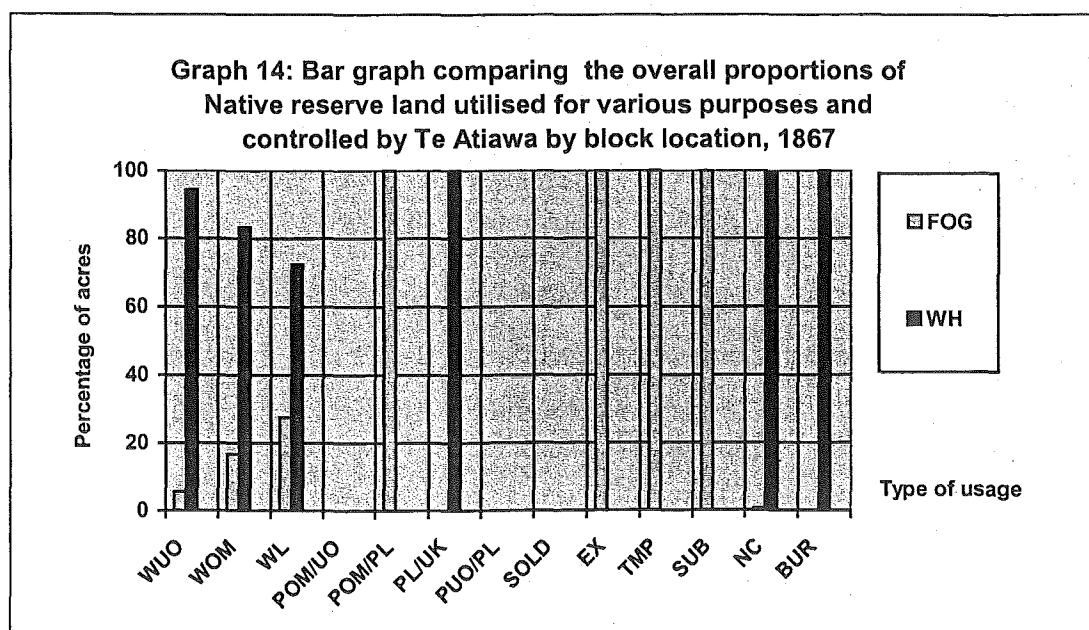


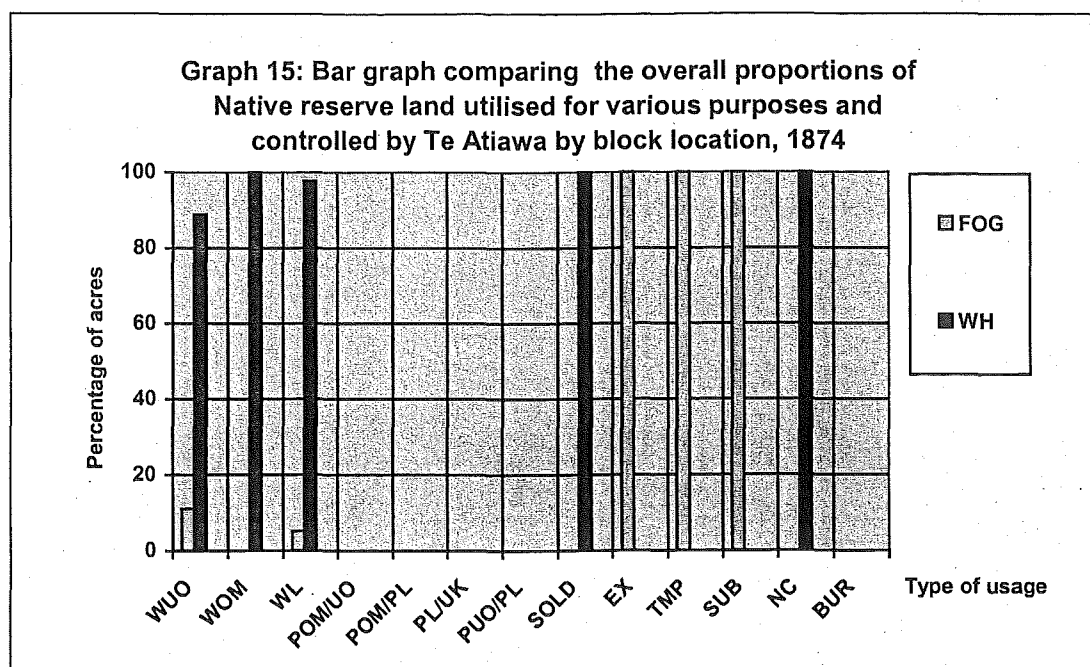
Graph 13: Bar graph comparing the overall proportions of Native reserve land utilised for various purposes by block location in 1874



Change in Utilization by Location for Native Reserves Controlled by Te Atiawa

In 1867, the overwhelming majority of reserve land controlled by Te Atiawa and unoccupied lay in the Waiwakaiho and Hua blocks (94.38 percent), with just 5.62 percent located in the blocks closest to the town. This trend continued in 1874, but was moderated somewhat with 88.88 percent of the unoccupied reserve acres controlled by Te Atiawa remaining in the Waiwakaiho and Hua blocks, and 11.11 percent located in the blocks around the town. In 1867, the great majority of all reserves controlled and wholly occupied by Te Atiawa were located in the Waiwakaiho and Hua blocks (83.33 percent), with only 16.67 percent located in the 'town' blocks. By 1874 all the reserves wholly controlled and occupied by Te Atiawa were in the Waiwakaiho and Hua blocks. In 1867 all reserve land in Te Atiawa control and partly leased to settlers and partly occupied by them was in the 'town' blocks. By 1874 there were no recorded cases of Te Atiawa controlled reserves where they were living on part of the reserve and leasing part to settlers. In 1867 Te Atiawa-controlled wholly leased reserve land was predominately located in the Hua and Waiwakaiho blocks (72.44 percent). However, more reserves were wholly leased in the 'town' blocks than in the Waiwakaiho and Hua blocks, but their total area was small so they accounted for only a small proportion of 'town' blocks. These patterns strengthened significantly over time: by 1874 Waiwakaiho and Hua land made up 94.74 percent of all the Te Atiawa-controlled wholly leased land. These patterns are shown on graphs 14 and 15 below.

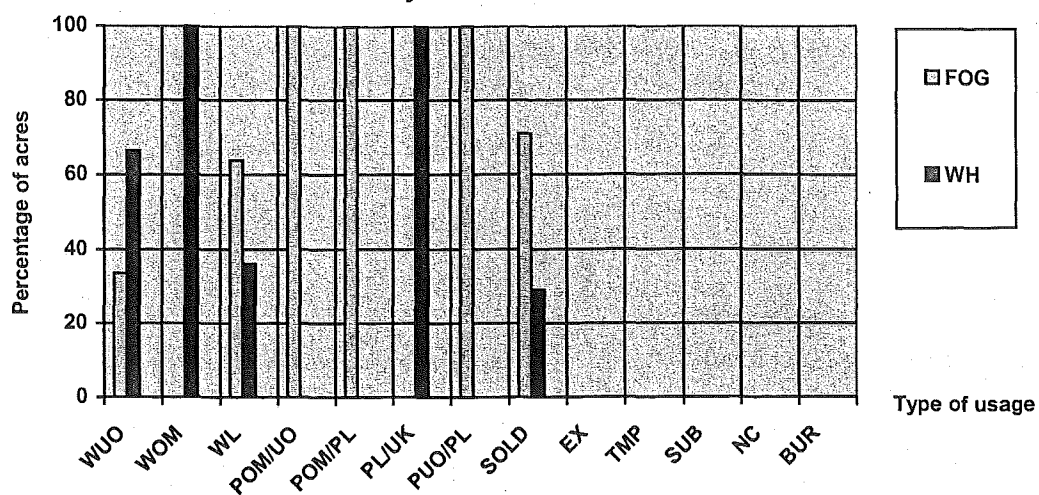




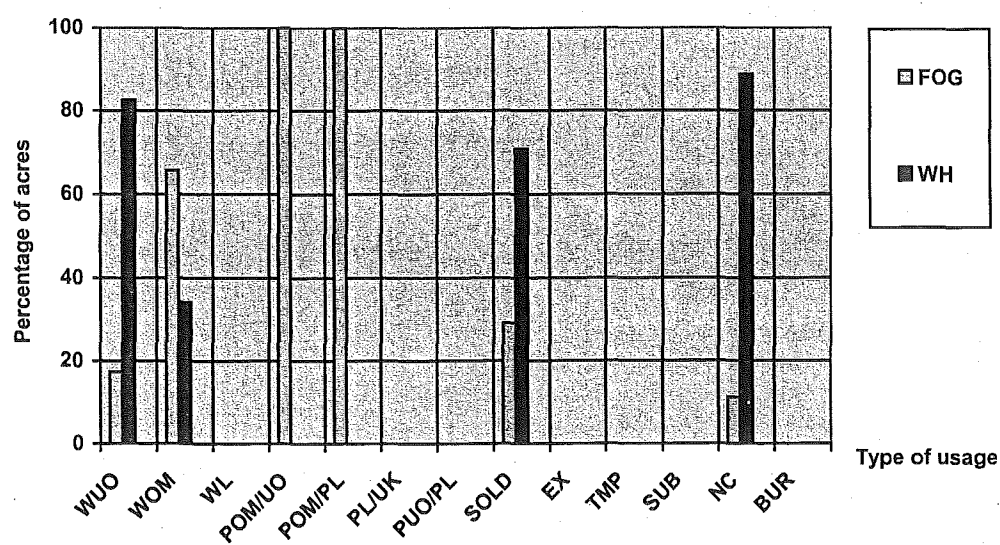
Change in Utilization by Location for Native Reserves Controlled by the Crown

In 1867 the two-thirds (66.40 percent) of reserve land controlled by the Crown and unoccupied lay in the Waiwakaiho and Hua blocks with just one-third (33.60 percent) located in the blocks closest to the town. This trend had strengthened by 1874 when 82.64 percent of the unoccupied reserves controlled by the Crown lay in the Waiwakaiho and Hua blocks, and 17.36 percent in the 'town' blocks. All the reserves controlled by the Crown and wholly occupied by Te Atiawa lay in the Waiwakaiho and Hua blocks in 1867. This was considerably reversed by 1874 when approximately two-thirds (65.77 percent) of the Crown controlled reserve land wholly occupied by Te Atiawa were in the 'town' blocks and just 34.23 percent in the Waiwakaiho and Hua blocks. In 1867 the majority (63.91 percent) of reserve land in Crown-control being wholly leased to settlers was in the 'town' blocks. By 1874 the Crown was no longer wholly leasing any of the Native reserves in its control. All Crown-controlled Native reserves that were being partly leased and partly occupied by Te Atiawa in 1867 and in 1874 were in the 'town' blocks. These patterns are shown on graphs 16 and 17 below.

Graph 16: Bar graph comparing the overall proportions of Native reserve land utilised for various purposes and controlled by the Crown by block location, 1867



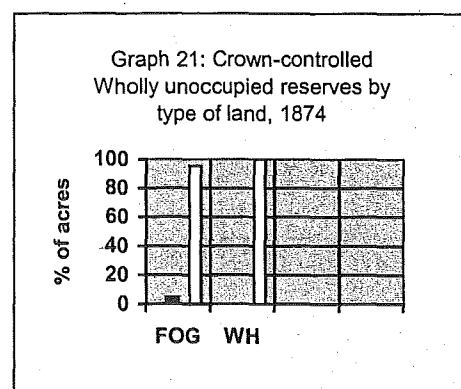
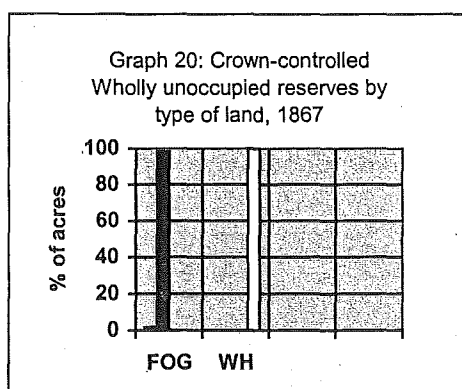
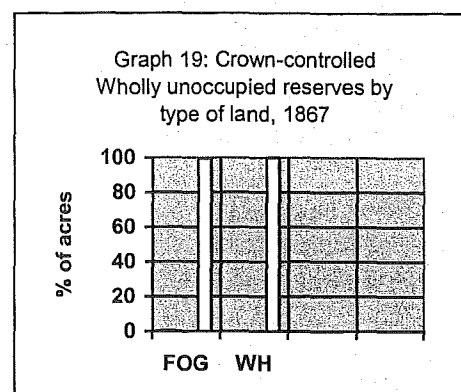
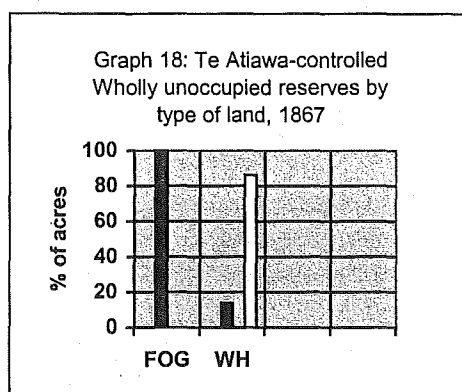
Graph 17: Bar graph comparing the overall proportions of Native reserve land utilised for various purposes and controlled by the Crown by block location, 1874



There were marked differences in the types of land that were wholly unoccupied depending upon who controlled the land. In 1867 virtually all of the wholly unoccupied reserve land controlled by the Crown was rural land, regardless of which blocks it was located in. By 1874 this had not changed markedly. However 86.14 percent of Te Atiawa-controlled wholly

unoccupied reserve land in the Waiwakaiho and Hua blocks was rural land, with 13.86 percent suburban land. In the 'town' blocks, wholly unoccupied reserve land controlled by Te Atiawa was all suburban land. These trends strengthened by 1874 when all the wholly unoccupied reserve land in the Waiwakaiho and Hua blocks controlled by Te Atiawa was rural land, and 98.29 percent of that in the 'town' blocks remained suburban. These patterns are illustrated on graphs 18 to 21 below.

■ Town
 ■ Suburban
 ■ Rural

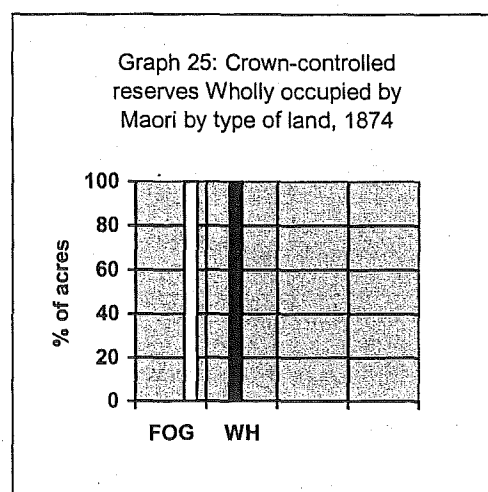
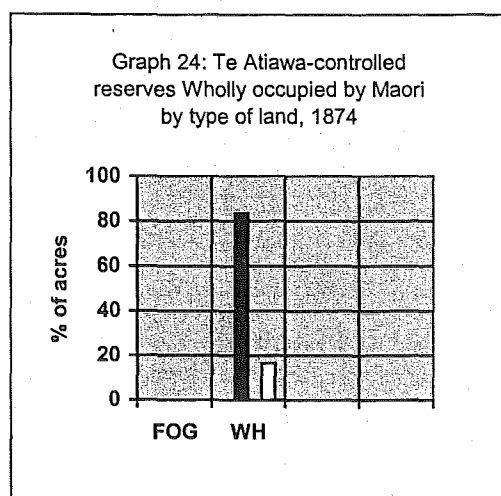
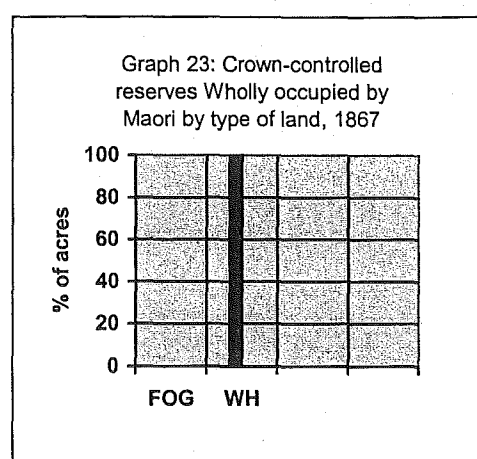
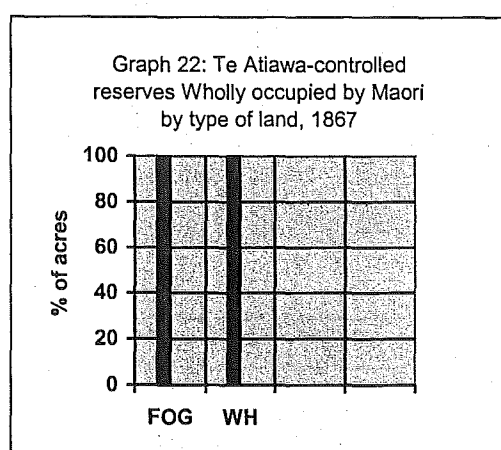


Land Wholly Occupied by Te Atiawa

In 1867 all the reserves (regardless of block location) controlled and wholly occupied by Te Atiawa were suburban land. However, by 1874 Te Atiawa were not controlling and wholly occupying any reserve land in the 'town' blocks. The reserve land they did control and wholly occupy in the Waiwakaiho and Hua blocks remained prominently suburban (83.50 percent), with 16.50 percent being rural land.

Te Atiawa were not wholly occupying any reserve land controlled by the Crown in the 'town' blocks in 1867, but all of the Crown-controlled reserve land they were wholly occupying in the Waiwakaiho and Hua blocks was suburban land. By 1874 Te Atiawa were wholly occupying some Crown-controlled reserve land in the 'town' blocks but it was all rural land. In addition the Crown-controlled reserves they continued to wholly occupy in the Waiwakaiho and Hua block remained 100 percent suburban land. These patterns are shown graphs 22 to 25 below.

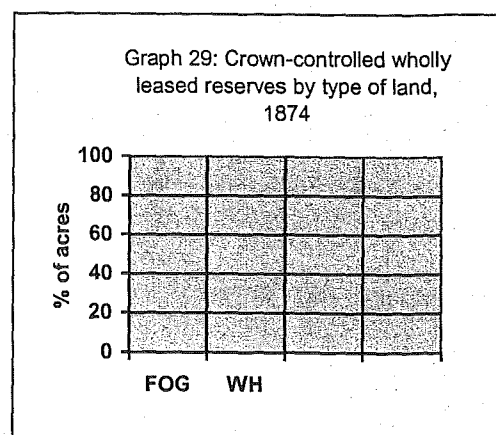
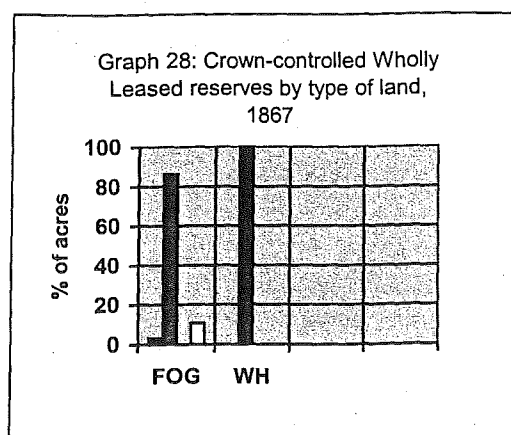
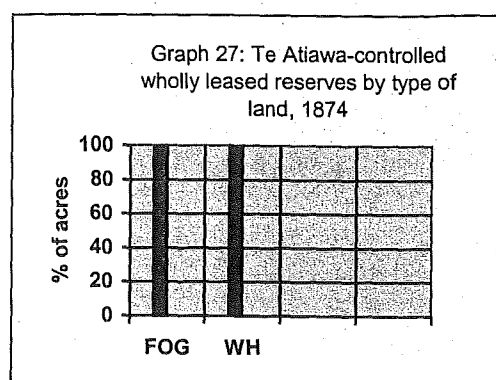
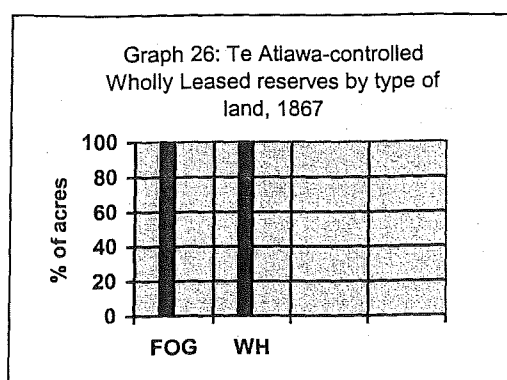
■ Suburban
□ Rural



In 1867 all the reserve land controlled by Te Atiawa and wholly leased to settlers in both the 'town' and Waiwakaiho and Hua blocks was suburban land. This continued to be the case in 1874. In 1867 the Crown-controlled reserves in the 'town' blocks being wholly leased to

settlers were also predominantly (86.17 percent) suburban lands, and all of the land wholly leased in the Hua and Waiwakaiho blocks was suburban land. By 1874 the Crown was not wholly leasing any of the reserves in its control. These patterns are illustrated by graphs 26 to 29 below.

■ Town
 ■ Suburban
 □ Rural

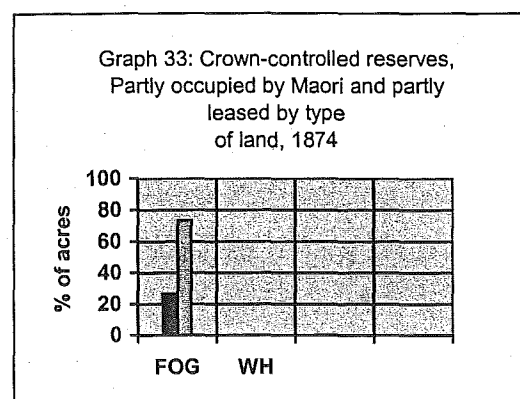
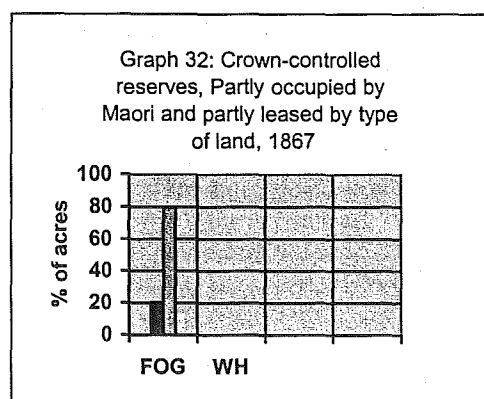
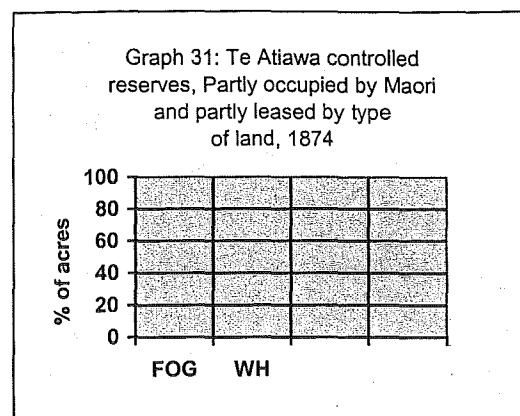
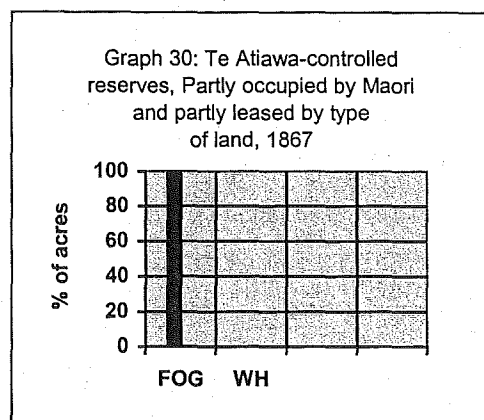


Partly Occupied by Te Atiawa/Partly Leased to Settlers

All the reserves that Te Atiawa controlled and were partly occupying and partly leasing to settlers in 1867 were in the 'town' blocks and all were suburban land. By 1874 Te Atiawa were not partly occupying/partly leasing any of the reserves in their control. All the reserves in Crown control and partly occupied by Te Atiawa/partly leased to settlers in 1867 were also in the 'town' blocks; 79.55 percent was reserves of rural/suburban land and 20.45 percent was suburban land. This remained fairly consistent: by 1874 the suburban proportion was risen to

26.55 percent so that the rural suburban proportion dropped to 73.48 percent. These patterns are illustrated by graphs 30 to 33 below.

■ Suburban
□ Rural/Suburban



Patterns of Utilization and the Costs and Benefits of Leasing Native Reserves

Introduction

The patterns of utilisation of Native reserves indicate that Ngamotu hapu consistently made decisions to capitalise on demand from settlers for suburban land to lease. However this competition for suburban reserve land and the decisions which resulted from it had significant adverse effects upon the location of Te Atiawa communities, pushing them onto reserves further from the economic centre of New Plymouth and separating them socially from the settler community. To some extent the effect of this marginalisation was somewhat mitigated by three developments. Firstly, by the sharing of a large proportion of suburban reserves between Te Atiawa communities and settler tenants and secondly, by the establishment of Te

Atiawa communities on contiguous suburban reserves in the Waiwakaiho and Hua blocks. Finally the income provided by rent (collected directly or collected and distributed by the Native reserves commissioners) enabled communities to continue some degree of participation in the local economy. However, these benefits must be weighed against the loss of control and ownership of reserves caused by the processes of the Act, and decreasing incomes from rents.

Te Atiawa Loss of Suburban Native Reserves around New Plymouth

The type and location of reserve land being leased was heavily influenced by the high demand for suburban land close to the town of New Plymouth. This is illustrated by the predominance of suburban reserves in the FitzRoy, Omata and Grey blocks amongst the reserve land wholly or partly leased to settlers. As has been argued in the previous chapter, Ngamotu saw the benefits of leasing Native reserves to settlers in terms of confirming and strengthening economic and social relationships. However, despite these advantages the statistical analysis shows that this resulted in Ngamotu hapu retaining little suburban reserve land around New Plymouth.

In 1867 all of the suburban reserves in the 'town' blocks were being wholly or partly leased to settlers. Te Atiawa had been allocated a total of 27 suburban or rural/suburban reserves spread across the 'town' blocks and the Waiwakaiho and Hua blocks. In 1867, 16 were wholly or partly leased to settlers. Of the remaining eleven, six had been sold, exchanged or subsumed. This left only five suburban reserves that were not being leased, one of which was unsuitable for leasing because it was simply sand dunes (Pukeweka Native Reserve No. 17), and the other was only one acre (Native Reserve No. 22). Of the three that remained, one was wholly occupied by Te Atiawa (Purakau Waiwakaiho A). This left only two suburban reserves that could have been leased to settlers but were not (Te Puia Waiwakaiho a and Waiwakaiho C); both were in the less desirable Waiwakaiho and Hua blocks. However this situation had changed quite markedly by 1874, when ten viable suburban reserves (five of which were in the 'town' blocks) are not recorded as leased or partly leased to settlers. If these reserves were being leased it seems strange that they were not recorded as such on the 1874 schedule. Presuming that the schedule is a comprehensive one and these reserves were not being

leased it raises the question whether this demonstrates a fall in demand from settlers for reserve land, or the termination or breakdown of a large number of existing leases.

By 1874 Te Atiawa found themselves in a situation where they had lost ownership and control over the majority of the commercially valuable town, suburban and rural/suburban reserves around the township of New Plymouth by bringing them under the operation of the New Zealand Native Reserves Act. What is especially telling is that of the 26 reserves that remained in Te Atiawa control by 1874 only 10 were in the 'town' blocks. Only four of these could be said to have been viable (the other six having been taken for military purposes, exchanged, sold or subsumed or comprised sand dunes). These 10 reserves represented just 9.83 percent of the reserve acres in Te Atiawa control. By contrast the Crown controlled 23 reserves, 16 of which were in the 'town' blocks. These represented 62.41 percent of the reserves brought under the Act. This demonstrates the extent to which Te Atiawa surrendered control of the reserves around the township in order to be able to lease them to settlers.

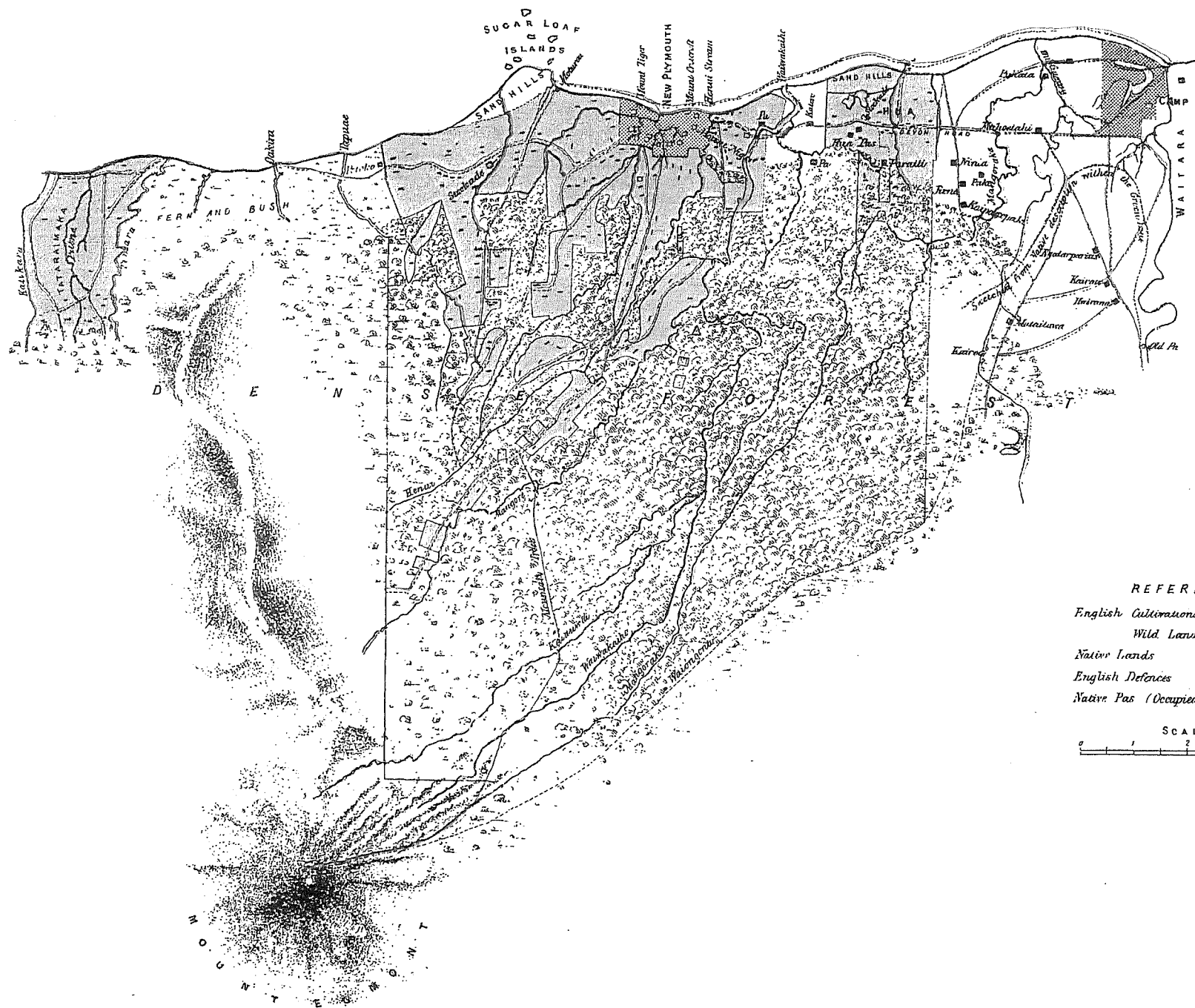
The statistics regarding the amount of reserve land partly leased/partly occupied by Te Atiawa which Te Atiawa were directly leasing to settlers suggests that Te Atiawa communities had difficulty persuading settlers to enter arrangements of this kind where Maori and Pakeha were neighbours. Conversely these types of arrangements were far more likely to take place on reserves which were leased via the commissioners. In 1867 Te Atiawa were wholly leasing directly to settlers far more reserves (246.64 acres in seven reserves) than the commissioners (147.09 acres in six reserves). However the situation was completely reversed for reserves partly leased/partly occupied by Te Atiawa. Te Atiawa-controlled reserves in this category amounted to just one reserve of 75 acres, while the commissioners controlled 704 acres in two reserves being used in this way. The disparity was even more marked in 1874 when Te Atiawa controlled no reserves partly leased/partly occupied by them, whereas the Crown controlled 794.73 acres in four reserves in this category. It is not easy to know what to make of these trends. One possible explanation is that after the breaches of trust between the two communities during the Taranaki Wars (these are discussed further in the next chapter) one or both parties felt a need for the assurance the formalised arrangement involving the commissioners provided should disputes arise.

The predominance of suburban land in the 'town' blocks amongst reserves wholly or partly leased to settlers reflects the positive economic and social aspects of this location. However, it equally reflects the relatively limited appeal that the Waiwakaiho and Hua reserves had for settlers. Two factors are clearly significant in this regard. Firstly armed conflict in the region made settlers reluctant to lease land north of the Waiwakaiho. However after 1868, when military operations in the province shifted to the campaign against Titokowaru on the Nga Ruahine land of the Waimate plains in South Taranaki, there was a slowly increasing sense that the war in North Taranaki was over. In response Imperial troops were finally withdrawn from New Plymouth in 1870.⁸⁰⁵ These circumstances may explain why two suburban reserves in the Waiwakaiho and Hua blocks were wholly leased to settlers in 1874.

However, even with a greater certainty of peace the Waiwakaiho and Hua reserves were of limited appeal to most settlers because access to them was very difficult. In the 1860s there was a well-developed network of roads in the area between Paritutu and Waiwakaiho (the town blocks) stretching right back almost to the base of Mount Taranaki and settlers' farms tended to be close to those roads. In contrast the coastal Devon Road remained the only road in the Waiwakaiho and Hua blocks in this period (see Figure 10). This restricted access to reserve lands was coupled with other factors such as the delay in laying out of the Waiwakaiho and Hua reserves, lack of road access to them, and the high proportion of inland reserves which were rugged and/or forested.

⁸⁰⁵ James Cowan, *The New Zealand Wars: A History of the Maori Campaigns and the Pioneering Period*, Vol. II, Government Print, Wellington, 1983 (reprint), p 179 and Nigel Prickett, *Maori and Pakeha Fortifications of the First Taranaki War*, Records of the Auckland Institute and Museum, Vol. 31, 1994, p 10.

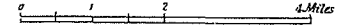
Face page - Figure 10: Map showing the districts of New Plymouth, Bell Blocks and Waitara, c. 1860. The area south of the Waiwakaiho River had a considerable network of roads and numerous settler farms. In contrast the area north of the Waiwakaiho lacked roads and apart from a small area of coastal land was largely 'wild lands'. Note that the coastal strip of cleared land was still very narrow after nearly 20 years of British settlement (source: Untitled undated map, c. 1860, BPP, Vol. 12, between p 14 and p 1)



REFERENCE,

English Cultivations	Green
Wild Lands	Gray
Native Lands	Yellow
English Defences	Red
Native Pas (Occupied)	Black

SCALE.



The Compensating Benefits of Leasing and Occupying Larger Native Reserves

Te Atiawa found one solution to the dilemma posed by a desire to remain in occupation of prime suburban reserves while still retaining the economic and social benefits that leasing reserves to settlers provided. Both objectives could be achieved by leasing portions of larger reserves to settlers and occupying the remainder themselves. By utilising them in this way Te Atiawa secured a place for their own communities alongside settler tenants with whom they could co-operate in economic activity, and whose rents provided some cash income which could be used to develop the area of the reserves which they occupied. It also allowed Te Atiawa communities to continue to exploit the resources of the coast, rivers and forests. In 1867 Moturoa Native Reserve No. 1 and Puketotara Native Reserve No. 3 were partly leased to settlers and partly occupied by Maori; by 1874 Pukaka Native Reserve No. 18 and Raiomiti Native Reserve No. 23 (adjacent reserves dealt with as a single reserve by its principal owner, Wiremu Te Ahoaho) were added to this group. So part leasing and part occupying was a productive and realistic compromise which enabled Te Atiawa to balance the stronger market forces operating in the 'town' block, particularly with regard to their suburban reserves, with their own desire to occupy and cultivate economically favoured reserves.

Once again purely economic factors may not have been the only motivations for Te Atiawa management of these reserves. Part leasing/part occupying enabled Te Atiawa to continue to live in locations that contained pa and urupa that connected them to their tupuna. The part occupation and part leasing solution for larger suburban reserves was also in keeping with the active desire of Te Atiawa to live in close and co-operative relationship with selected settlers. The pro-active and pre-arranged nature of lease arrangements between individual Te Atiawa and settlers, the lack of assimilationist rhetoric in the report by the commissioners in Taranaki, and the Crown's clearance of the township of Maori, all suggest these arrangements were Te Atiawa rather than Crown initiatives.

Established Te Atiawa Communities on the Hua Native Reserves

Although Te Atiawa communities were not generally able to exclusively occupy suburban Native reserves on the town side of the Waiwakaiho River they were able to establish their communities on the Native reserves in the Hua block. In both 1867 and 1874, Te Atiawa were only wholly or partly occupying one-third of all the Native reserve land. In 1867 they were

wholly occupying six reserves containing a total of 294.03 acres, this had increased to eight reserves covering 609.75 acres by 1874. Three of these eight reserves remained in Te Atiawa ownership and were reserves named in the Hua deed: Tapuirau, Oropuriri and Paraiti. In addition Te Atiawa were occupying two Hua deed reserves that they had brought under the 1856 Act, Upokotauaki and Hoehoe. In 1874 Maori owned, controlled and occupied Tapuirau, Hua [Oropuriri & Hoewaka], Parati and Purakau Waiwakaiho A as well as Mangorei Waiwakaiho N, a large rural reserve on the Waiwakaiho side of The Meeting of the Waters.⁸⁰⁶ In addition they continued to occupy the Crown vested reserves of Upokotauaki and Hoehoe.

In 1867 Upokotauaki and Hoehoe were within the area being withheld by Te Puni and his people, and Tapuirau and Hua [Oropuriri & Hoewaka] formed an almost contiguous block of land in a crescent shape on the north and inland sides of the block which was being withheld by Te Puni. These three reserves were flat or gently rolling fertile fern lands that could be farmed as a unit to support a Maori community; they were within walking distance of kaimoana reefs, and the Waiwakaiho River and Mangaoraka Stream for food gathering. Devon Road, the main link between New Plymouth and Waitara along which supplies could be transported and agricultural produce brought in to market for sale, also bisected them.

Sound economic reasons for Te Atiawa choosing to cultivate these reserves are relatively easy to assess, but traditional cultural and political motivations were also at work in these decisions and these are less easy to reach firm conclusions about. All of these reserves had long histories of Te Atiawa occupation. Tapuirau, Oropuriri, and Paraiti had been set aside in the Hua deed because they contained pa, urupa and cultivations on which Te Atiawa were living at that time. Nearby Purakau Waiwakaiho A had been set aside as a reserve by Cooper because the owners had refused to part with it. Recent archaeological excavations on Oropuriri have revealed three large houses, each one older than the other, the oldest being pre-European.⁸⁰⁷ Paraiti is a waahitapu and was most likely politically important as it is close to the boundary between hapu of Ngati Tawhirikura and of Puketapu.

⁸⁰⁶ The Meeting of the Waters is the place at which the Mangorei Stream flows into the Waiwakaiho River near the main highway coming into present day New Plymouth from the south.

⁸⁰⁷ Personal communication, Dr Simon Holdaway, Senior Lecturer in Archaeology, University of Auckland, August 2001.

A number of factors combined to make it possible for Te Atiawa to choose to settle on these suburban reserves. Perhaps most obviously their location north of the Waiwakaiho River at a distance from the town, and their closeness to the unsettled Maori territory beyond the Bell Block made them less desirable for settler lessees. However, settlers certainly did have land on the coastal strip between Katere and Bell Block as early as 1860 so some other forces must have been at work keeping settlers from wholly leasing these suburban reserves on the inland side of Devon Road. Although the reserves which Te Atiawa were occupying here were suburban land, a circa 1860 map shows that in fact they were still bush covered at that point, which would certainly have discouraged settler lessees. While the bush cover was not prohibitive, control and 'hostile' occupation by Te Atiawa certainly was. Both Hoehoe and Upokotauaki reserves are shown on this map as 'Native land'; as this includes the area which later became Katere Native Reserve it is clear that this was the area being withheld by Te Puni and his people (compare Figure 8 and Figure 10).

The Income from Native Reserve Leases

To some extent the rents from Native reserves should have been an easy and dependable source of income which benefited hapu whose decisions to lease their suburban reserves at New Plymouth resulted in a degree of marginalisation from the town itself. In addition to the cash income leases also provided a means of confirming and deepening relationships with individual settlers. However evidence suggests that the level of income, its reliability and its distribution all reduced the expected benefits for hapu.

Te Atiawa derived a cash income from the reserves they leased directly to settlers and from those that they brought under the Act which were leased on their behalf by the commissioners. As already discussed this situation was extremely unusual when compared with the administration of reserves and distribution of rents in other provinces. In practice this meant that the rents collected from reserves brought under the Act were handed over to Maori owners (after the commissioners had deducted a 2½ percent management fee). Commissioners had nothing to do with collecting rents from tenants on reserves that remained in Native title. This is evident when we compare the 1867 schedule of Native reserves with the

1867 accounts for Native reserves.⁸⁰⁸ All the reserves for which there were entries on the commissioners' published accounts are listed together on the 1867 Schedule. The schedule notes that the proceeds were to be paid to a "Native Reserve Fund for Natives interested", however the published accounts show clearly that the commissioners were paying the rent to specific named individuals for each reserve.⁸⁰⁹ A separate list on this schedule is headed "Reserves over which Native title is not extinguished", the proceeds from these reserves were to be paid to "Native owners." Presumably Te Atiawa were collecting the rents from these reserves themselves as none of these reserves appear on the commissioner's published accounts for that year.

Revenue from rents were neither reliable nor sufficiently large to sustain Te Atiawa communities or to enable them to participate on equal terms in the developing capitalist economy of the province. A combination of factors were responsible for the reduction in the overall income from Native reserve rents: an economic decline in the province from 1869 – 70 and delays in Te Atiawa owners receiving rents which was the result of Crown systems of collecting and distributing them. Firstly, deterioration in the general economy affected tenants' ability to pay rents. This led to many tenants becoming seriously in arrears and, in some cases, annual rents for reserves being reduced by the commissioners to protect settler tenants and Maori landlords. Parris commented in 1872 that:

in consequence of the hardness of the times and the general depression of business I have had great trouble in collecting the rents for the last three years" [He frequently repeated demands for rent] "and the only other alternative, would be to distrain, but such a course would be fatal for poor families struggling hard to get through difficulties, and adverse to the interests of the Natives interested in the said reserves, as the process of distraint would result in the estates being left without a tenant, with little chance of obtaining another, and once abandoned all improvements, buildings, fences &c., would fall into a state of dilapidation."⁸¹⁰

⁸⁰⁸ 'Return of Lands Vested in the Governor', AJHR, 1867, A-17, pp 12 – 13 and 'An Account of all Monies Received and Paid by the Commissioners of Native Reserves, New Plymouth, New Zealand, from 1st January to the 31st December, 1867', 8 May 1868, *Taranaki Provincial Gazette*, Vol. XVII, No. 2, 1869, pp 7 – 10.

⁸⁰⁹ By 1872 at least there were official receipts for rents paid, an example found is in Maori and English, and witnessed by William Rennell, Parris' clerk. (Taranaki Rent Receipt, 1872, NR 72 - 103, MA-MT 6/25, ANZ, Wellington).

⁸¹⁰ Parris to Charles Heaphy, Wellington, 13 August 1872, NR 72-98, MA-MT 6/25, ANZ, Wellington.

These difficulties are also evident in the commissioners' accounts which show that even in 1867 a good portion of tenants were four or more months in arrears with rents, and in many cases annual rents were reduced in 1869 or 1870.⁸¹¹ Given the economic climate it is likely that Maori collecting rents from tenants on reserves they still controlled would have experienced similar difficulties.

Commissioner Parris had clear and sound reasons for reducing the rents on Native reserves administered by the Crown, however reduced annual rental led to an overall reduction in hapu incomes. In the period from 1869 to 1871 the annual rental charged for Native reserves fell sharply. For example the annual rental for section 8 of Puketotara Native Reserve No. 3 fell from £7 per annum in 1868 to £5.12.0 in 1870 and 1871. Likewise the annual rental for section 46 of this reserve was £18 in 1868 but it had fallen to £14.8.0 in 1870. Waiwakaiho Native reserve F was being leased for an annual sum of £20 in 1868 but by 1871 tenants were only required to pay £16. This downward trend was typical, but in a number of cases the amount of rent received each year is so erratic it is almost impossible to tell what the annual rental had been set at. This reduction in rents obviously reduced the purchasing power of Te Atiawa owners. A large reserve brought in between £16 and £25 per year in rents, with smaller sections earning between £2 and £6 per year. To put this in perspective, the rent from a larger reserve, if pooled and used communally, would purchase two horses in 1868, and the small reserve owner could purchase eight sheep for £4 or a hogshead of beer for £5.10.0.⁸¹² It is somewhat difficult to assess whether these were considered at that time as major purchases, but from the prices of everyday food items (around sixpence per lb.) they would appear to be some of the more expensive items available.

The payment of rents by the commissioners to Te Atiawa was not always timely or reliable. This was no doubt a consequence of the commissioners' difficulties in collecting the rents. However the distribution of rent to Te Atiawa owners was slowed by a requirement under the 1862 Amendment Act that commissioners pay all rents collected to Treasury, and then apply to

⁸¹¹ 'An Account of all Monies received and paid by the Commissioners of Native Reserves, New Plymouth, New Zealand, from 1st January to the 31st December, 1867', *Taranaki Provincial Gazette*, Vol. XVII, No. 2, 1869, pp 7 – 10.

Treasury when they needed to make payments of those rents to Maori owners or draw on them to provide facilities for Maori. It appears that this system was in place in Taranaki as all the published accounts in the *Taranaki Provincial Gazette* (for 1867 – 1871) use the phrase "cash paid to ... as per receipt forwarded to Treasury" or "cash paid ... as per voucher forwarded to Treasury." As William Swainson, a commissioner in the Wairarapa, pointed out this was highly impractical as well as being nonsensical to Maori who came asking for their rents, often on the same day as the tenant had paid them to the commissioners. In comments in the margin of this memorandum Charles Heaphy, the Commissioner of Native reserves charged with overseeing the reserves in the North Island, admitted that this was his experience, and that as a result commissioners were paying Maori out of their own funds while waiting for money to be sent back from Treasury.⁸¹³

Finally, the practice of paying rents to each individual owner with interests in a reserve had a significant impact upon the ability of hapu communities collectively to use the revenues from reserves. The commissioners distributed rents to the individual owners of the reserves whose names had been listed in the gazette notice that gave assent to bringing the reserve under the commissioners' administration.⁸¹⁴ By the time the first accounts submitted by the Taranaki commissioners were published in 1868 (for the 1867 year), Puketotara Native Reserve No. 3 had been subdivided into sections and the rent from these was paid to individuals or couples. Often it is impossible to know just how many individuals were receiving rent as the accounts stated that rent was paid to "one and others." The practice of paying individuals rather than allocating the rents simply to a community meant that as original owners passed away, offspring and other relatives became entitled to succeed and receive payment of rent. As a consequence the number of owners grew and the rents were further dissipated while the amount each individual received on rent day grew smaller and smaller, becoming progressively less useful source of income.

⁸¹² Table No. 43 'Table showing the average prices of provisions and live stock in New Zealand, in the year 1868', *Statistics of New Zealand for 1868*, Wellington, Government Printer, 1869.

⁸¹³ George Swainson to Mantell, 10 May 1865, MA-MT 1, 1A/28 ANZ, Wellington. Heaphy was appointed to his position by Native Minister Donald McLean in 1869 (Johnson, 1997, p 55).

⁸¹⁴ At least by 1872 there were official receipts for rents paid. The example found is in Maori and English, and witnessed by William Rennell, Parris' clerk. (Taranaki Rent Receipt, 1872, NR 72 - 103, MA-MT 6/25, ANZ, Wellington).

Conclusion

Te Atiawa owners chose to utilise their reserves in a variety of ways. Some disposed of smaller reserves in order to raise the capital they needed to make the larger reserves viable. This was a consequence of many of the reserves in the 'town' blocks being too small and on land of poor quality that made them economically viable. Growing levels of debt and poverty amongst Maori added to the pressure on Te Atiawa to offer their reserves for sale through the commissioners. In Taranaki all these factors were greatly intensified by the huge loss of land and agricultural resources caused by war and confiscation.

Statistical analysis has demonstrated conclusively that the reserves wholly or partly leased to settlers were overwhelmingly those situated near the town of New Plymouth between Paritutu and Waiwakaiho. Te Atiawa were faced with the dilemma of how to capitalise on settler demand for this land as leasehold and the cash income this would provide, while still retaining occupation of at least some of this fertile accessible land for their own economic activities. The relatively low proportion of suburban reserve land initially allocated to them intensified this pressure.

Te Atiawa did find solutions that enabled them to retain reserve land and generate income. The rents from the reserves that were wholly or partly leased and administered by the commissioners were paid to the individuals identified as owners. Te Atiawa owners also collected and distributed rents from reserves they had not brought under the Act. This situation was in contrast to other provinces where the commissioners retained rents for Native purposes. However rents were vulnerable to economic downturns, which led to tenants falling into arrears with their rents, and reductions in annual rents to keep tenants on the reserves. The practice of paying rent to individual owners meant that as time went on the list of owners entitled to a share of the rent increased and the share of each individual decreased.

In the wake of sales to the Crown, Te Atiawa were able to retain a sizeable community on contiguous suburban reserves in the Waiwakaiho and Hua blocks. This enabled viable farming and access to the main road into New Plymouth. In the case of a number of large reserves Te Atiawa were able to lease part to settler tenants and use the remainder themselves. While this had a number of advantages it is also apparent that the vast majority of such reserves had

been brought under the operation of the 1856 Act and its 1862 amendment. As a consequence the title and control of these reserves had passed permanently to the Crown. Thus in capitalising on the strong demand by settlers for this land as leasehold Te Atiawa unwittingly alienated the reserves. Nevertheless the short-term benefits were apparent. Aside from the economic benefits of a cash income, this arrangement had the advantage for Te Atiawa of retaining sites of cultural and spiritual significance while fostering inter-cultural relationships which fitted well with their notions of reciprocal relations and a shared future with the settlers.

Chapter 7: Native Reserves as Sites for Maori/Pakeha Relationships: The Effect of War on Inter-cultural Relationships at New Plymouth

Introduction

Lease arrangements between Te Atiawa and settlers were at the heart of questions about how and why Native reserves in Taranaki were brought under the Crown's administration and the kinds of strategies Te Atiawa adopted for utilising the reserves. The economic aspects of those leases have been explored in the preceding chapters but always woven around those economic imperatives were the social aspects of the relationships that leases confirmed and sustained. There is a need to examine particular examples of these relationships between Maori landlord and settler tenant in terms of the ways in which social obligations between the individuals involved found expression. Then to ask what enabled these particular people to expand the boundaries of their social trust to include someone of the other culture. This private sphere of inter-cultural relationships sited around Native reserves should be set in the wider context of public attitudes of the settler and Te Atiawa communities towards each other. In particular there is a need to examine what impact the Taranaki Wars, which began at Waitara over the sale of the Pekapeka block in March 1860, had on private and public inter-cultural relationships, and how this might explain the changing place of Te Atiawa communities within the New Plymouth township.

Pre-war (1858 – 1859)

Kanohi ki Kanohi: Native Reserves and Inter-cultural Relationships in the Private Sphere

A closer examination of lease arrangements for Native reserves at New Plymouth indicates that many leases were founded upon, expressed and furthered pre-existing relationships between individual Ngamotu people and individual settlers. As a consequence leases were not solely economic compacts but also encompassed a social bond that suggests that those involved had found ways to co-operate with and, to some extent, include members of the other culture in their lives.

Te Atiawa individuals favoured leasing or even selling Native reserve land to settlers with whom they were already well acquainted. Often these were settler men who had established relationships with Maori communities in the course of their work as government officials.

Leases and sales of Native reserves to these men were a way in which 'friendly' Te Atiawa individuals and communities continued and strengthened their position as allies of the settlers. More particularly, these transactions represented attempts to create a joint community with settlers and the Government while retaining the rights and responsibilities of tangata whenua. At a practical level there was probably an expectation on the part of Te Atiawa people that influential settlers incorporated into their communities could in return be called upon for assistance.

The lease between More (Morley), a Moturoa man (one of the Te Atiawa owners of Otumaikuku Native Reserve No. 9 close to the township of New Plymouth) and a Mr Edgecombe illustrates this pattern. Commissioner Whiteley, who knew More because he lived near the mission station at Moturoa, described Edgecombe as "a Pakeha friend of his [More's]."⁸¹⁵ According to Whiteley it was very common for the lessee of a Native reserve to already have a well-established relationship with the Maori owner; coming to Whiteley accompanied by their "Pakeha friend" with a deal between them already struck.⁸¹⁶ In this particular case Whiteley noted that "More wished Edgecombe to have it."⁸¹⁷ Whiteley also described Edgecombe as "an old [illeg] servant, friend and interpreter." Clearly Edgecombe was bilingual and this was an important skill that enabled him to function as an intermediary between Maori and settler spheres. In this respect he was part of a relatively small group of settlers before 1860 - missionaries, surveyors, traders and government officials - whose positions required and facilitated ability in te reo Maori. These people worked at the junction between the two cultures, and that position was particularly favourable for developing relationships with individual Maori that spilled over from professional contact into the private sphere.

⁸¹⁵ Whiteley to Gore Browne, 28 September 1861, Whiteley Papers, MS-Papers-0484-5, ATL, Wellington. Interestingly, this is a rare instance where the relationship between Maori and Pakeha individuals is memorialised in the street names of modern New Plymouth. Morley Street (the transliterated version of More which Whiteley notes in brackets in his 1861 letter) and Edgecombe Street are close to one another in the vicinity of what was once Otumaikuku Native Reserve (compare Byrnes, 'Affixing Names to Places', 1998, p 23).

⁸¹⁶ Ibid.

⁸¹⁷ Ibid.

The lease agreement between More and Edgecombe broke down during the first Taranaki War of 1860 - 1861 (the effect of war on this relationship will be discussed in the following section). However, what is interesting in this context is that the settler who took up the lease after Edgecombe surrendered it was another intermediary, the Native reserves commissioner, Robert Parris. It could certainly be argued that the reason Parris, rather than any other New Plymouth settler, became the lessee was that as commissioner he was immediately privy to the surrender of the lease and was able to capitalise on that information by offering to take it over. Whiteley explained that when the arrangement between More and Edgecombe broke down, Edgecombe found that "he could make nothing of the land [and] requested the commissioners to release him from his agreement."⁸¹⁸ Parris wanted the land because he had "a small piece in that neighbourhood."⁸¹⁹ Parris can be viewed as an opportunist, using this information and the fact that with the province at war, and the town fortified against Maori invaders, More would most likely have had few if any other settlers willing to lease the land.

However, there are other possible interpretations of the agreement between More and Parris over the lease and sale of the reserve. It is likely that by entering a lease with Parris, and later selling the reserve to him, More was confirming and strengthening a relationship between himself and the Native reserves commissioner. By bestowing a temporary, and later a permanent, use right upon Parris, More was incorporating Parris into his kin network. Historians have noted that similar relationships between Maori and settler individuals in other parts of New Zealand had been remembered by hapu over generations. In the 1840s, settlers leased large areas of customary Maori land from Waikato chiefs for sheep and cattle runs. Here the settlers paid rent in cattle or sheep, which were distributed to the various hapu.

The fact that cattle, given in payment might be give names underlines the fact that such transactions were not seen as simply commercial. The names of the animals – also passed on in oral histories – reinforced the association of the people with the land and with Pakeha whom they allowed to live there, who also found a place in the histories because their payments recorded recognition of the rights of those in whose communities they lived. In short, leasing arrangements were acculturated; they underlined hapu association with and control of the land.⁸²⁰

⁸¹⁸ Ibid.

⁸¹⁹ Ibid.

⁸²⁰ Parsonson, 2001, p 183.

This cultural perspective raises the possibility that More expected Parris to remain on that land, and in that way continue his relationship with More and his relatives.

It is not possible to know to what extent Parris was aware of the kind of cultural interpretation More may have put upon the lease and sale of the reserve. However, both Parris and More probably had some intellectual understanding of each other's perspective on the transaction given that they lived in close proximity to the other's culture and frequently crossed the boundaries between their two worlds. Yet it is unlikely that a mental acknowledgement of the cultural ways of the other party was enough to make either More or Parris modify their behaviour in the agreement. Therefore More may have experienced a sense of betrayal at Parris' subsequent actions. Parris paid the purchase price but the reserve was rapidly transferred to the provincial council.⁸²¹ In March 1862, the superintendent of the province asked Parris how soon the Pipiko and Otumaikuku reserves could be handed over to the province for the purposes of Education reserves.⁸²² By 1871 both reserves were listed in the Taranaki Education Reserves Act 1871 as "waste land of the Crown reserved from sale as having not yet been granted by the Crown."⁸²³

A number of settler men married Te Atiawa women and as a result of these relationships entered the Te Atiawa world more fully and permanently than men like Edgecombe or Parris whose occupations drew them into contact with Te Atiawa individuals. Marriage bound those settlers more tightly to Te Atiawa communities as the men became part of the whakapapa of the hapu and blood ties were formed. Along with these ties came rights and responsibilities. In

⁸²¹ No sale deed was executed because "the Government having considered it unnecessary. Deeds of cession to the Crown were obtained for these reserves in the year 1859 bringing them under the operation of the Native Reserves Act 1856" (Parris to the Sub-Treasurer, New Plymouth, 31 March 1863, MA-MLP-NP 1, p 262, ANZ, Wellington). Ward indicates that "the reserve was taken from Parris [by the Government] but returned not to the original Maori owners, they being deemed to have received full payment for it, but to the province." (Ward, *A Show of Justice*, 1973, p 151). However an 1866 schedule of Native reserves states that it was "sold to provincial government" ('An Account of Native Reserves in the Province of Taranaki together with the Owners thereof', AD, 1, 1866/610, RDB, Vol. 136, pp 52169 – 52177).

⁸²² Parris to the Chief Land Purchase Officer, 25 March 1862, MA-MLP-NP 1, p 259, ANZ, Wellington.

⁸²³ The Taranaki Education Reserves Act 1871, No. 21, s. 4 and schedule 2. Later the same year warrants and titles were issued to the Commissioner of Schools for the Taranaki Provincial District for both Pipiko Native Reserve No. 8 and Otumaikuku Native Reserve No. 9 (Warr 183 and Warr 184, both 14 November 1871, Land Transfer Office, New Plymouth).

a number of cases these men were given the right to utilise Native reserves owned by the hapu. Richard Brown, a local trader and whaler, had married a Te Atiawa woman.⁸²⁴ There appears to have been unanimous agreement amongst the people of Moturoa that he could graze his sheep on their Native reserve there.⁸²⁵ Brown's relationship with the community who owned the Moturoa reserve seems to have been robust and enduring. It had already survived a major dispute with the chief Poharama Te Whiti in 1847. At that time Brown had a whaling station on Maori land at Moturoa, and he was paying rent to the community for the use of that land. There seems to have been a series of disputes between Brown and Ngamotu hapu and he was asked to give up the station at the end of the whaling season. Although Brown offered to increase the rent to be allowed to stay Poharama rejected his offer.⁸²⁶ The robust nature of Brown's arrangements with Ngamotu hapu strongly suggests that it went beyond a purely economic agreement. Despite this dispute, almost a decade later Brown was depasturing his stock on the Moturoa reserve.

Marriages between Te Atiawa women of rank and settler men of standing in the New Plymouth community were certainly strategic alliances for Te Atiawa hapu. By incorporating influential settlers into their hapu and whanau Te Atiawa reserve owners were able to call on these men to represent their interests in the settler sphere. Captain John George Cooke had married into the prominent Ngatata whanau. His marriage to Ngapei Ngatata, the sister of Wiremu Tako and Wiremu Tana Ngatata, had involved him in hapu affairs for better and for worse. Before the promised arrival of Commissioner Spain in New Plymouth in 1844 Cooke was living on land allocated to him by the New Zealand Company on the coast between Katere and the Bell Block. Here Ngapei had built her own house. Te Atiawa were infuriated by settlers proceeding onto land they considered that they had not sold to the Company. As a result, perhaps seeing all Pakeha as members of the 'guilty tribe' they asserted their right by sending a large party of armed men to fell trees and maim cattle on Cooke's section. Cooke was also caught up in inter-hapu politics; part of the protest came from Puketapu hapu who objected to the fact that Ngati Te Whiti, a rival hapu in this sensitive boundary zone, had formed a close relationship

⁸²⁴ Parsonson, 2001, p 181.

⁸²⁵ Parsonson, 1991, p 197.

⁸²⁶ Draft letter by McLean, 18 June 1847, McLean Papers, qMS-1205, ATL, Wellington.

with Cooke through his marriage to Ngapei Ngatata.⁸²⁷ Despite some of the disadvantages of being incorporated into the Te Atiawa community Cooke chose to remain in his marriage to Ngapei, and in turn his Ngatata kin called upon him to represent them in the settler sphere a few years later in 1847.

When the final payments for the FitzRoy block were made Cooke was sent to the New Zealand Company's agent, Francis Dillon Bell, by the Ngatata whanau to press their claim to Purakau Native Reserve No. 16 at Te Henui.⁸²⁸ In response to the intervention by Cooke, Bell promised to "make enquiries respecting it and see the place with Mr Cooke."⁸²⁹ McLean reported that any resulting agreement "would be an exclusive arrangement of the Company."⁸³⁰ It is uncertain exactly what this meant in practical and legal terms but it does highlight that three years after the reserves were initially laid out at least some had not been formalised.

A perception that the Crown had violated their respective property rights as landlord and lessee of Native reserves could also draw Te Atiawa owners and settler tenants together. In one remarkable case in New Plymouth in 1859 this led to a very public demonstration of unity between Maori and Pakeha individuals. Wiremu Te Ahoaho was one of the owners of two adjacent reserves, Pukaka Native Reserve No. 18 and Raiomiti Native Reserve No. 23. By September 1858, Te Ahoaho was considered by the Crown to be the sole Maori owner residing on the reserves.⁸³¹ Te Ahoaho and Daniel Bishop had entered a lease for parts of the reserves in 1854 during the brief period when Commissioner Cooper had been sanctioning leases.⁸³² It is likely that the two men had become well acquainted through Bishop's work as a

⁸²⁷ Parsonson, 1998, p 19.

⁸²⁸ Draft letter of McLean, 10 October 1847, McLean Papers, qMS-1205, ATL, Wellington.

⁸²⁹ Ibid.

⁸³⁰ Ibid.

⁸³¹ McLean to Parris, 20 September 1858, *Turton's Epitome*, D-57.

⁸³² The *Taranaki Herald*, 15 October 1859.

ferryman, ferrying people across the Waiwakaiho River.⁸³³ The ferry left from the bank of the river that formed the northern boundary of Raiomiti Native Reserve No. 23. It is highly likely that Bishop and Te Ahoaho had negotiated use of the riverbank between them several years before they entered an agreement for the lease of a portion of the reserves. In fact, the lease of reserve land may have arisen because Bishop needed to live close to his boat to make his living.

⁸³³ J C Richmond to C W Richmond, 19 August 1859, in *The Richmond-Atkinson Papers*, G H Scholefield (ed), 1960, Vol. 1, p 483.

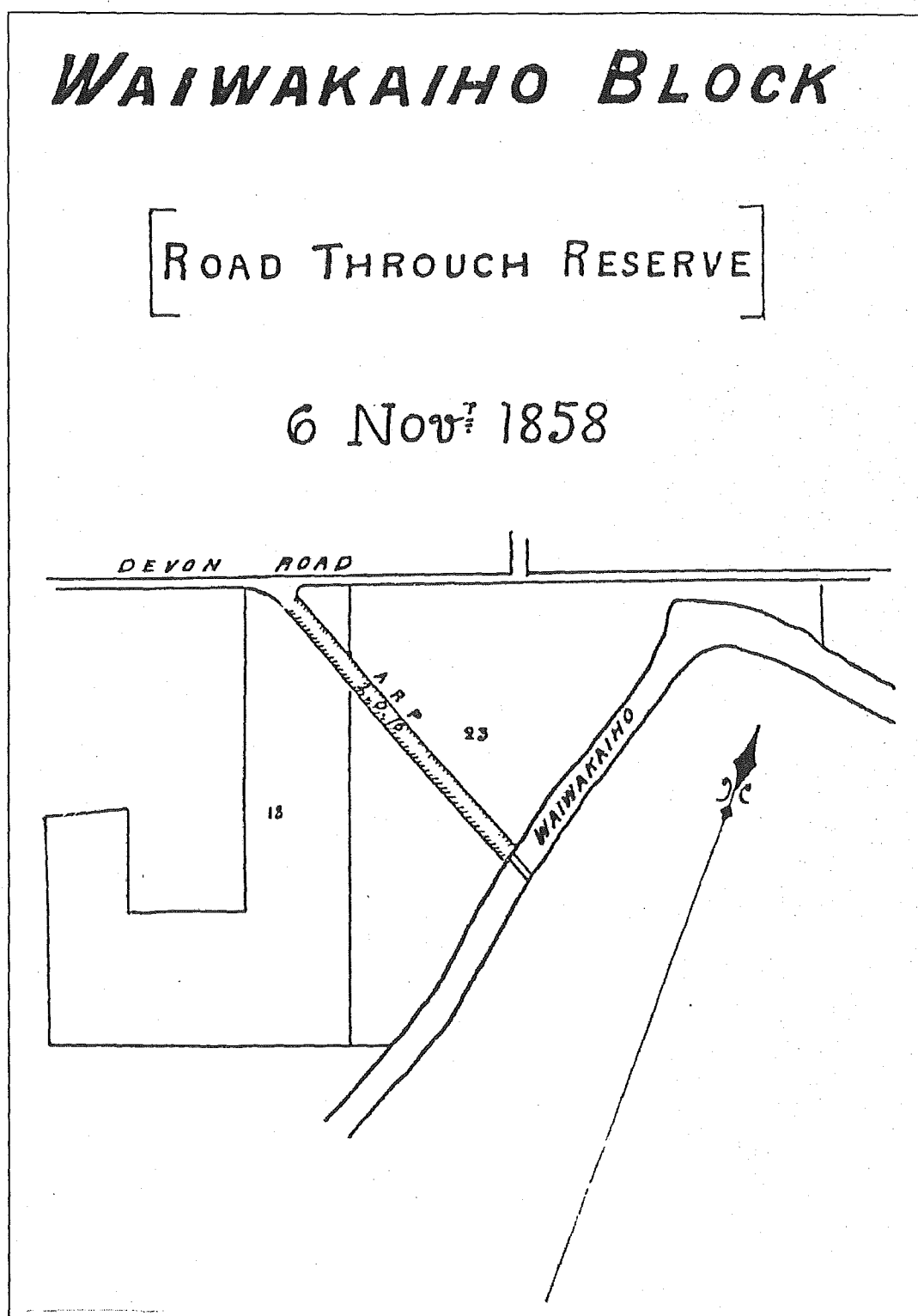


Figure 11: An 1858 plan showing the road through Pukaka Native Reserves No. 18 and Raiomiti Native Reserve No. 23, 1858 (source: H H Turton, *Plans of Land Purchases in the North Island of New Zealand*, Vol. II, Taranaki, ATL, Wellington, microfiche edition, n/d)

Te Ahoaho and Bishop chose to take collective protest action to oppose the opening of a newly completed road across the Native reserve which led to the Waiwakaiho bridge that was to be publicly opened within a few weeks (see Figure 11).⁸³⁴ Their protest shows every sign of having been planned in advance as a strategy for having their grievances heard. On 15 August 1859, the two men built a fence across the road to the bridge. The superintendent was informed and Robert Parris and the Assistant Native Secretary for the province went to the site "to see what they meant by such a proceeding."⁸³⁵ It is clear that Te Ahoaho and Bishop's aim was to be arrested as a means of having their grievances heard and addressed by the court. Parris reported that "the only information we could get from them, was, that they were dissatisfied, and wanted to be summonsed to appear in the Resident Magistrates Court where they would state their grievance, that if we would do that, they would open the road."⁸³⁶ Bishop threatened to "dig a trench across the road the following morning if he was not summonsed."⁸³⁷ This planning and strategizing is an indication of the depth of the relationship between the two men. To protest together in this way required communication and trust beyond the limits of a purely economic relationship between landlord and tenant.

A joint protest also suggests that although each man had a different grievance about the road their interests had become inter-dependent to such a degree that they felt it appropriate to protest together and to support each other's position. Te Ahoaho participated in the protest with Bishop not because he thought that the Crown had taken the road across his reserve illegally, but because he perceived some threat to his ownership of the remainder of the reserve. At the court hearing, where both men were found guilty of obstructing a public road and fined a total of one shilling, the newspaper reported that Te Ahoaho had "boldly averred that he had never signed or seen the deed by which he alienated the road to the Queen."⁸³⁸ A few days later Te Ahoaho wrote to the newspaper setting the record straight:

⁸³⁴ Parris to C W Richmond, 20 August 1859, in *Ibid*, pp 483 – 484.

⁸³⁵ Parris to the Native Secretary, 8 September 1859, MA-MLP-NP 1, pp 229 – 232, ANZ, Wellington.

⁸³⁶ *Ibid*.

⁸³⁷ *Ibid*.

⁸³⁸ *The Taranaki Herald*, 27 August 1859.

the truth of the matter is this. Mr Parris came to me at Mimi to solicit my consent to a road through my farm for the bridge at the Waiwakaiho, I gave my consent for the road and was pleased to do so, I gave up the road to the Queen and her heirs forever. I did not consent to give up my land, that is my farm, I did not sign any map.⁸³⁹

On the other hand, Bishop's main concern was to defend his rights to deal directly with Te Ahoaho over the leasing of the Native reserve, but of course his rights depended upon the owner of the reserve having the right to deal with him directly. Thus in defending his own rights Bishop publicly supported Te Ahoaho's right to contract a lease with a settler for Native reserve land. When confronted while in occupation of the road Bishop reportedly stated that "it was a Native reserve and he would do anything he thought proper upon it, in defiance of the Government, even purchase it off the Natives, under the Treaty of Waitangi."⁸⁴⁰ A month after the court hearing Bishop approached the provincial council "for compensation for land taken from him for the new road leading to the Waiwakaiho Bridge."⁸⁴¹ In trying to determine whether compensation was due to Bishop, the council concluded that Bishop's lease with Te Ahoaho was legal in that "he had the countenance of Mr Commissioner Cooper."⁸⁴² Because this had never been questioned the council concluded that it could "assume that it [the lease] had the previous sanction of the Governor."⁸⁴³ However, they also considered that in light of the prosecution of Richard Brown for depasturing stock on the Moturoa Native Reserve No. 1:

Mr Bishop was not without warning of the insecurity of his holding, and that his retention of the land depended, according to the construction put upon the ordinance [Native Land Purchase Ordinance 1846], upon the forbearance of the General Government which appears to have been exercised throughout.⁸⁴⁴

In any case, the council noted that "Mr Bishop expressed his satisfaction with the proposals made to him, and moreover, engaged in writing to receive in addition to the old line of road

⁸³⁹ The *Taranaki Herald*, 3 September 1859. McLean instructed Parris to execute a binding deed of conveyance to the Crown for the road with all the owners of the Native Reserves (Chief Commissioner to Parris, 20 September 1858, *Turton's Epitome*, D-57). The deed was signed by Wi Te Ahoaho, Wiremu Piti, Ihakara, Enoka Tamaiti and Hone Ropiha on 6 November 1858 (Deeds – Deed No. 16, Waiwakaiho (Road through Reserve) Grey and Bell District, 6 November 1858, *Turton's Deeds*, Taranaki Province).

⁸⁴⁰ Parris to the Native Secretary, 8 September 1859, MA-MLP-NP 1, pp 229 – 232, ANZ, Wellington.

⁸⁴¹ The *Taranaki Herald*, 24 September 1859.

⁸⁴² The *Taranaki Herald*, 15 October 1859.

⁸⁴³ Ibid.

⁸⁴⁴ Ibid.

then used £10 in cash in liquidation of any claim he might have in equity to compensation." Therefore they declined to pay him further compensation.⁸⁴⁵

At a private level the joint protest by Te Ahoahao and Bishop demonstrated, and most likely enhanced, the relationship between the two men. But the settler reaction to Te Ahoaho's part in the protest revealed a different set of attitudes and tendencies operating in the public arena between the settler and Te Atiawa communities. When Te Ahoaho failed to ascribe the same meaning to the deed of conveyance as the majority of the settlers did he was publicly condemned as dishonest and untrustworthy. The newspaper described Te Ahoaho's denial that he signed the deed of conveyance as "very gross conduct" and suggested that Te Ahoaho had gone further, declaring that the deed produced in the court was "a forgery and a fraud."⁸⁴⁶ The newspaper concluded that, "the scene in the court house shows that he is neither to be depended upon or trusted" despite the fact that he had previously been "regarded as a man of fair dealings and general good conduct."⁸⁴⁷ The mutual economic and political interests of landlord and tenant had encouraged Bishop and Te Ahoaho to extend the boundaries of their social trust to develop a relationship out of which sprang their united protest. But, lacking a common interest with Te Ahoaho, and seeing him as obstructing the progress of public amenities, the settler public seems to have had greater difficulty in extending their collective boundary of trust to include Te Ahoaho.

The Town as Contested Space: Native Reserves and Inter-cultural Relationships in the Public Sphere

In contrast to the social and economic bonds between Te Atiawa owners and settler tenants the public relationship between the two cultures was often characterised by tension and separation. In the wider public arena of New Plymouth in the 1850s the prevalence of Victorian notions of 'civilisation' encouraged settlers to define themselves as 'civilised' and Maori as the 'savage other.' This ideology was reinforced by a strong local perception of New Plymouth as a

⁸⁴⁵ Ibid.

⁸⁴⁶ The *Taranaki Herald*, 27 August 1859.

⁸⁴⁷ Ibid. Government officials and settlers were of the opinion that Te Ahoaho could not possibly have taken protest action or made the statements he did about his understanding of the deed which conveyed the road to the Crown and were convinced he had been "tampered" with by another settler or official (they do not name who they suspect) (also see Parris to McLean (Private), 12 December 1859, McLean Papers, MS-Papers-0032-0009, ATL, Wellington).

small, struggling, undefended and under-resourced 'island' surrounded by wild lands. Therefore, Te Atiawa and their Native reserves were considered to be a public nuisance, a security threat, and a cost to ratepayers and citizens. Settler perceptions of the Te Atiawa communities on reserves in and near the township (and the ideologies that informed them) had a significant impact upon inter-cultural relationships. In particular, it became extremely difficult for the settler community at New Plymouth to overcome these negative perceptions to allow Te Atiawa communities to continue to live in the township on Native reserves.

It was unfortunate that the attitude of the settler community as a whole at New Plymouth tended to shut down the possibility of Maori and Pakeha living side by side within the township. Such settler attitudes were especially regrettable given the general tendency of the Ngamotu hapu to move towards a joint community based on tangata whenua/manuhiri relationships. From their first dealings with the New Zealand Company and its British settlers the Ngamotu hapu operated in a way that enlarged the boundaries of their social trust. Traditional practices were adapted to allow for the incorporation of Pakeha into their economic and, to some extent, their social sphere. As Head has argued, this tendency was reinforced by a new idea of a civil society with its foundation in peace upheld by the rule of law. Whakapapa, the traditional organising principle of Maori knowledge, was adapted to include Maori and Pakeha descending from a shared God and Queen.⁸⁴⁸

⁸⁴⁸ Head, 2001, pp 102, 111 and 115.

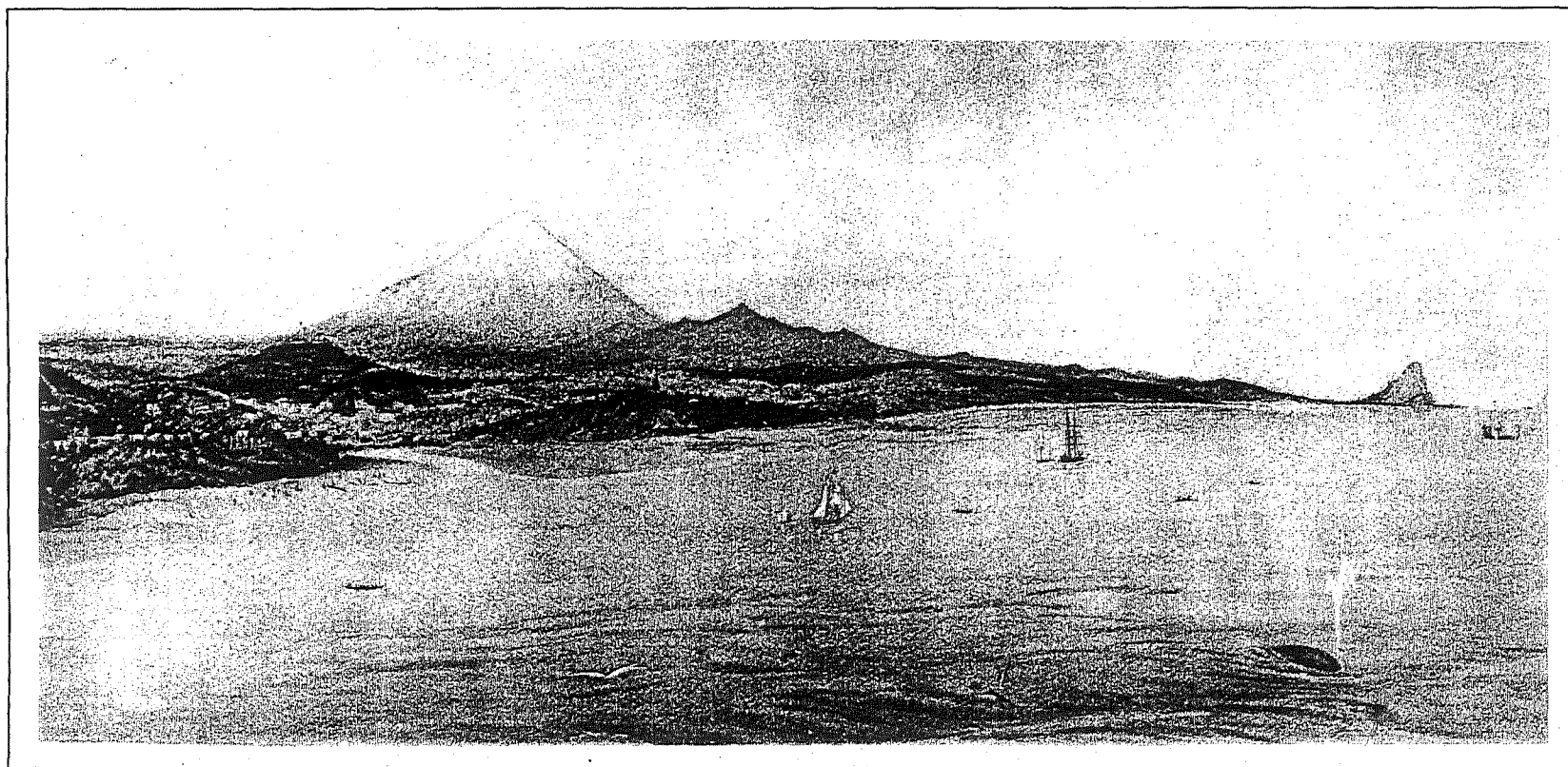


Figure 12: A reproduction of a painting by J Bunny in 1858 showing New Plymouth from the sea. To the left in the middle ground is the mouth of the Huatoki Stream above which can be seen the pallisading of Te Kawau Pa, and number of canoes are pulled up on the beach below the pa (source: R G Wood, *From Plymouth to New Plymouth*, A H & A W Reed, Wellington, 1959, plate between p 48 and p 49)

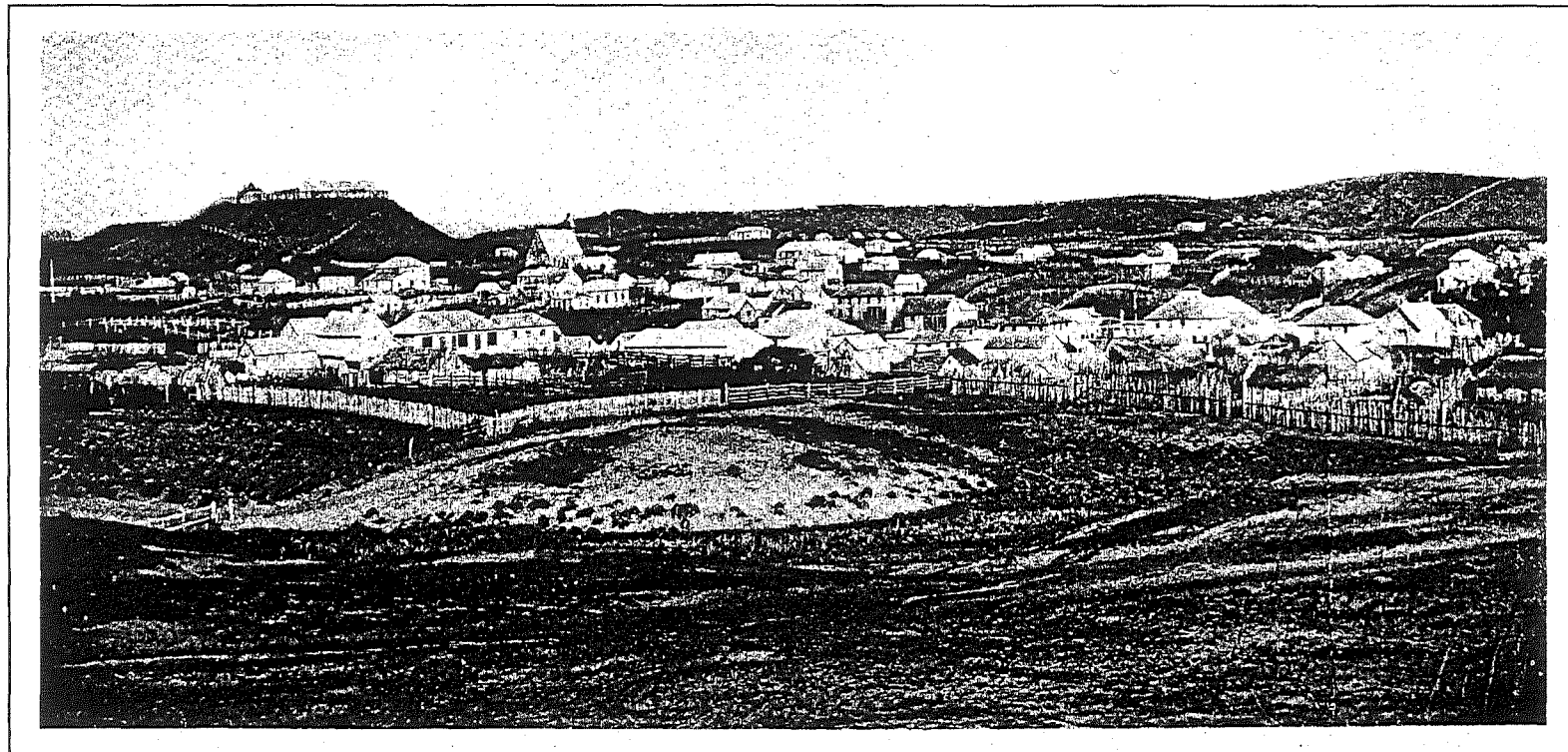


Figure 13: An 1858 photograph of New Plymouth township. In the background is the main barracks on Pukaka/Marsland Hill, below and to the right the building with the steeply pitched roof is St Mary's church. In the foreground is Te Kawai pa surrounded with pallisading and in close proximity to numerous settler houses and businesses

The Role of Social Trust in the Alienation of Native Reserves at New Plymouth, 1858 – 1865

The Vacation of Te Kawai Pa

The fundamentally different ways in which the communities at New Plymouth viewed one another, and the effect this had on the level of trust and respect between the two communities illuminates the decisions that led to the alienation of Native reserves in the township of New Plymouth between 1858 and 1865. Settler public opinion about the Native reserves and their Te Atiawa inhabitants was consistently negative and demonstrates the way in which civic, military, economic and ideological pressures shaped the public response to Te Atiawa communities in the township. As already discussed, the settler community had expressed a distaste for Maori living in the township since the creation of Native reserves in the 1840s. Vacant Native reserves had been considered a public nuisance and a cost to settler ratepayers. As noted previously, the public pressure to remove Te Atiawa settlements focussed particularly on Te Kawai Pa. The pa was located at the mouth of the Huatoki Stream and was the most well established and visible Maori settlement in the township. There had been frequent complaints that Te Kawai Pa was blocking development, was a fire hazard, and a sanitation risk.⁸⁴⁹ In 1858 the newspaper hailed the newly appointed Commissioners of Native reserves as the best people to persuade Maori to leave the pa. The editor announced that "The Commissioners of Native reserves could not better employ themselves in their new and important duties than in inducing the Maories [sic] to shift their quarters, which if for sanitary reasons only, is highly expedient."⁸⁵⁰ No doubt the Native reserves Commissioners were also seen by the provincial council as the best hope they had in solving the problem of the reserves 'nuisance' because they themselves lacked any power under The New Zealand Constitution Act 1852 to deal with land in Native title.⁸⁵¹

⁸⁴⁹All these factors led Donald McLean to comment that "the occupation by the Natives of the town pa, New Plymouth, has been for some time a subject of complaint by the Europeans residing in the vicinity of the pa, more especially that portion of it which interfered with the continuation of Currie Street." ('Memorandum on Te Kawai Pa', 22 November 1861, *Turton's Epitome*, D-71).

⁸⁵⁰ The *Taranaki Herald*, 2 October 1858.

⁸⁵¹ The New Zealand Constitution Act 1852, ss. 19, 71 and 63.

This reluctance to have Maori living within the immediate environs of the town was intensified by growing perceptions in the mid-1850s that Te Atiawa posed a military threat to the settlers at New Plymouth. In 1863, Parris explained that "before the troops went to Waitara, in March 1860, I was instructed by His Excellency the late Governor, to try to get the Natives to leave the Town Pa (Kawau) in order that the town may be free of Natives by night."⁸⁵² It is apparent that the presence of Maori on reserves in and near the township was considered a threat because they were believed to harbour armed Maori. In 1854 many Te Atiawa living in New Plymouth supported and participated in inter-hapu conflicts over Crown purchases north of New Plymouth.⁸⁵³ The Governor had issued a proclamation of 12 February 1858 making it illegal for armed Maori to assemble within the settled district of Taranaki.⁸⁵⁴ However there were still complaints that:

many of the Natives now engaged in hostilities against Ihaia and Nikorima reside on lands reserved for their use within the purchased districts named in the Proclamation, and they are in the practice of moving to and fro with arms, issuing from their homes for attack and returning thither when the excitement which is usually wound up with the tomahawk is over.⁸⁵⁵

Te Kawau pa was said to be a place to which "the town Natives habitually bring their arms."⁸⁵⁶ This made the pa particularly threatening because it was located just across the mouth of the Huatoki Stream from Mt. Elliot, the administrative centre of the town. This was formerly Pukeariki, an ancient pa, which had been appropriated and renamed. It was also "close to the Resident Magistrate's Court, within sight of the Garrison" on Native Reserve No. 10 (another ancient pa appropriated and renamed Marsland Hill).⁸⁵⁷ This sense of threat was symptomatic of a climate of fear amongst the settlers that led to the construction of a network of military camps, palisades, gates and blockhouses around the town between 1855 and 1860.⁸⁵⁸ The objective of these installations was to create a safe zone for settlers and a stronghold for

⁸⁵² Parris to Henry Halse, 16 April 1862, AJHR, 1862, E-4, Section X, No. 18.

⁸⁵³ Henry Halse to McLean, 10 November 1856, McLean Papers, MS-Papers-0032-0314, ATL, Wellington.

⁸⁵⁴ Governor Gore Browne's proclamation, February 1858, *Turton's Epitome*, Taranaki, A-2, No. 19.

⁸⁵⁵ The *Taranaki Herald*, Editorial, 27 February 1858.

⁸⁵⁶ The *Taranaki Herald*, 20 March 1858.

⁸⁵⁷ Ibid.

⁸⁵⁸ Prickett, 1994, pp 34 – 36.

Imperial and local troops.⁸⁵⁹ Under these circumstances, Maori became the enemy. As war approached, removal of all Maori from their settlements and Native reserves in the immediate vicinity of the town was considered necessary for public safety. Te Kawau was in a strategic position at the heart of the township; securing it thus simultaneously completed the inner circle of defences around the township and prevented it from being used by groups of 'rebel' Maori.

There were other political reasons for excluding Te Atiawa from the town. The presence of Imperial troops had created another problem: liaisons between Te Atiawa women and soldiers – "the habit of intriguing with the wives and daughters of friendly Maoris in the pa in the neighbourhood of the town."⁸⁶⁰ The military command and the Government were worried that this would "not only create ill-feeling" but that it would lead to "the withdrawal of those Maoris and their families from their allegiance."⁸⁶¹ As war seemed inevitable it was recognised that Te Atiawa allies would be important as intelligence-gatherers, scouts and troops and that the Government could not afford to alienate them carelessly.

⁸⁵⁹ Report by Colonial Secretary [C L Nugent] of his visit to New Plymouth, 27 January 1855, T 1/1855/437 held at T 1/1857/710, ANZ, Wellington.

⁸⁶⁰ Proclamation by R Carey, Lieut. Col. Deputy Adjutant-General, 23 November 1860, McDonnell in T W Gudgeon, *The Defenders of New Zealand being a Short Biography of Colonists who Distinguished themselves in Upholding Her Majesty's Supremacy in these Islands*, H Brett, Auckland, 1887, pp 513 – 514.

⁸⁶¹ Proclamation by R Carey, Lieut. Col. Deputy Adjutant-General, 23 November 1860, McDonnell in Gudgeon, *The Defenders of New Zealand*, 1887, pp 513 – 514.

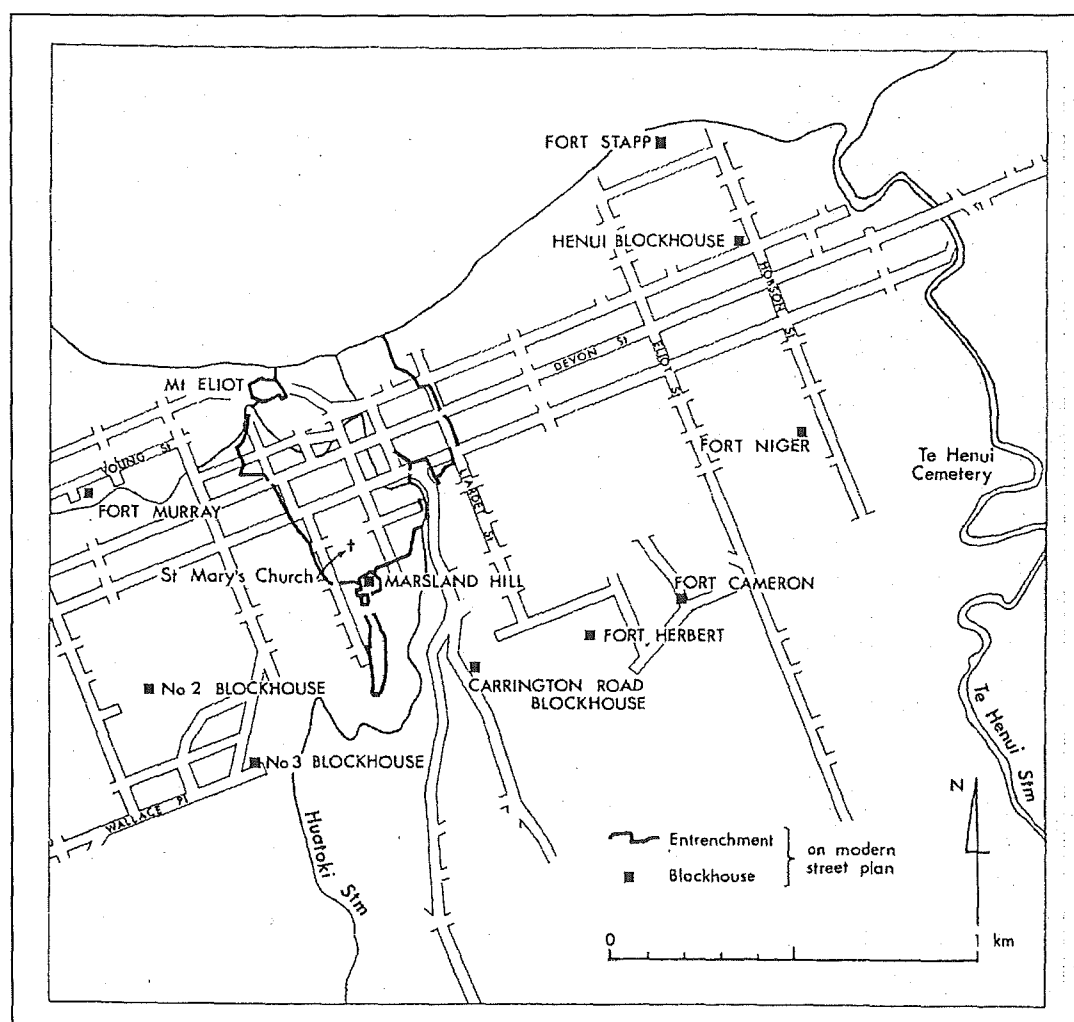


Figure 14: Plan showing the inner defences and outer circle of blockhouses around the township of New Plymouth, 1860 – 1861 (source: Nigel Prickett, *Maori and Pakeha Fortifications of the First Taranaki War, 1860 – 61*, Records of the Auckland Institute and Museum, Vol. 31, 1994, Fig 24)

Given all these pressures on Te Kawau Pa, it is unsurprising that Parris was able to persuade the inhabitants of the pa to agree to leave so long as they were paid rent for it in the meantime, and they could return to it after the hostilities.⁸⁶² It appears that Parris asked the Te Kawau people to leave the pa late in February 1860. By the time a notice was posted at the militia

⁸⁶² Parris to the Superintendent, 15 April 1862, MA-MLP-NP 1, p 261, ANZ, Wellington refers to the superintendent's letter "on the subject of payment of rent due on houses of Natives in the Kawau Pa." The people

office in New Plymouth on 5 March 1860 they had left the pa: the notice read, "the Natives of the Kawau pa having left it at the request of His Excellency the Governor, the pa is in charge of the garrison of the town."⁸⁶³ They then built a pa at Puketotara about two miles from the town.⁸⁶⁴ The prevailing views of the community at Te Kawau about their relationship with the settler community offer a means of understanding why the community agreed to the Crown's request. The decision of this community to vacate their settlement can be read as a sign of their overriding concern with constructing and maintaining peaceful relationships with the settlers, and with the settler government. Such relationships would then form the cornerstone of a joint Maori-Pakeha community.

In trying to explain the position of 'friendly' Maori communities like the Ngamotu hapu, Head argued that these communities had come to understand through Christianity that peace was the foundation of civil society. This made peace very important because it was "a prerequisite for modernity", and the vision of modernity offered was that of "a European-style society."⁸⁶⁵ Head argued that by 1860, when war broke out in Taranaki, this ideology was well established in 'friendly' Maori communities. In short, "the peaceable community, with law as its guarantor and prosperity its goal, had become the intellectual and cultural heritage of Maori."⁸⁶⁶

There is abundant evidence that Ngamotu hapu in the Paritutu to Bell Block area were motivated by a desire for peace and for the kind of joint community that Head postulates. Ngamotu hapu certainly had a long and thorough engagement with Christianity and its key teaching regarding peace. Even before the signing of the Treaty of Waitangi, John Whiteley, then a Wesleyan Methodist missionary at Kawhia, had been visiting the small Te Atiawa community at Moturoa accompanied by Maori Christian teachers. In 1840, Samuel Ironside, John Hobbs, John Aldred and George Buttle visited Taranaki to preach, conduct baptisms and marriages and examine candidates in the catechism. Te Atiawa gave land for a mission station

moved inland beyond the boundaries of the town and built a pa on Puketotara, Native Reserve No. 3 (Parris to Henry Halse, 16 April 1862, AJHR, 1862, E-4, section X, No. 18).

⁸⁶³ Wells, 1878, p 191. However on 21 March 1860 a number of Maori swore their allegiance to the Crown at Te Kawau pa in the presence of McLean (*The Taranaki Herald*, 13 October 1860).

⁸⁶⁴ Parris to Henry Halse, 16 April 1862, AJHR, 1863, E-4, Section X, p 18.

⁸⁶⁵ Head, 2001, p 102.

⁸⁶⁶ Head, 2001, p 116.

at Moturoa, and the first missionary, Charles Creed, and his wife arrived there in January 1841 with John Leigh Tutu who had been converted by Hobbs and William Woon in the early 1830s.⁸⁶⁷

For the next two decades the Wesleyan faith grew strongly amongst Te Atiawa in the area from Paritutu to Bell Block, while the Waitara people were almost exclusively Anglican. By 1842 the Maori Wesleyan Methodist congregation was large enough for a chapel to be built at Ngamotu. Sally McLean, in her history of the Grey Institute, recorded that the chapel "had been built by the local people under the leadership of Poharama, now a preacher and class leader."⁸⁶⁸ In a similar move, Te Waka and the people at Te Kawau Pa built a chapel at the pa in 1858.⁸⁶⁹ After he moved to New Plymouth in 1856, Whiteley kept diaries and records of communities he visited regularly to preach and to carry out baptisms and burials, and these records illustrate how widespread this circuit of Māori Wesleyan communities became.⁸⁷⁰

This ideological underpinning helps to explain why these communities seemed generally to support the protection of the town by Imperial troops. At least one Maori letter asking for troops to be sent has survived. In June 1854, Hone Ropiha living on Purakau Waiwakaiho A wrote to Governor Wynyard asking for troops to be sent, and pledging his own continuing adherence to peace and British law.⁸⁷¹ Again the Crown's perception was that:

the majority are anxious that troops should be sent here, and many of them are apprehensive that unless some such preventive step be taken the insolent and overbearing conduct of some of the aborigines will - especially as large numbers are expected to arrive here from Cook Straits in the course of this year - ere long attain such a height as to endanger the peace of the community.⁸⁷²

⁸⁶⁷ McLean, 1992, p 18.

⁸⁶⁸ "Chapels were also built in other villages and by 1843 there were four chapels and five other preaching places in the Ngamotu mission circuit." By 1845, there were nine chapels, six other preaching places, 10 local preachers, 12 class leaders and 19 Maori Sabbath school teachers who taught 350 scholars in 15 schools. There were 164 society members and 13 more on trial in the Ngamotu mission circuit" (McLean, 1992, pp 19 and 42).

⁸⁶⁹ Chambers, 1992, p 240.

⁸⁷⁰ Scholefield (ed), *A Dictionary of New Zealand Biography*, Vol. II, 1940, p 499. Methodist Deaths, card index and Wesleyan Maori Baptisms: copied from Mr Fred Butler, New Plymouth Genealogical Society Library.

⁸⁷¹ Hone Ropiha to Governor Wynyard, 30 June 1857, *Turton's Epitome*, Taranaki, A-2 encl. in No. 16.

⁸⁷² Cooper to the Colonial Secretary, 8 July 1854, *Turton's Epitome*, Taranaki, A-2, No. 16.

When troops did finally arrive in August 1855 it was noted that they were well received by British and Maori, McLean recorded that Maori at New Plymouth "sent them supplies of potatoes, bread &c."⁸⁷³ However, while this gesture can certainly be read as a sign of support for peace it could equally be interpreted as the sort of behaviour Ngamotu hapu would consider appropriate to the duties of a host, and to the assertion of mana and manawhenua.

There also seems to have been some significant Ngamotu hapu support for the ban on firearms within the township from February 1858.⁸⁷⁴ The following month Poharama of Moturoa laid information against Te Waka and others for carrying arms within the prohibited area.⁸⁷⁵ However, again there may be another dimension to Poharama's actions. Only a few years before Te Waka had forced Poharama into an embarrassing situation over the boundary of the Waiwakaiho purchase, and Poharama's reputation with the Crown suffered. It is possible that he then saw Te Waka's carrying of arms as the perfect opportunity to even the score; this would certainly be consistent with Maori notions of utu and the restoration of mana. Yet local settlers believed that Ngamotu hapu were also disobeying this proclamation. An article in the *Taranaki Herald* stated that "the town Natives habitually bring their arms to the Kawau pa" which was regarded as a case of "considerable aggravation and defiance."⁸⁷⁶ There was some local hesitation over punishing those who contravened the arms ban. The resident magistrate, Josiah Flight, reportedly suggested that the proclamation should be treated

as an indefinite threat, which may be violated in any way and to any extent provided no actual harm is done to settlers. If any action is to be taken against any of the Maoris we must, according to him [Flight], wait until they have committed some crime for which they would be condemned by Maori opinion as well as by our law.⁸⁷⁷

The leaders of the communities at Moturoa and Te Kawau had also taken a peacemaking role in the conflicts between various factions of Puketapu hapu in the 1850s. In 1856 Te Waka, backed it seems by "the weight of Poharama's influence" visited Kaipakopako, the pa

⁸⁷³ Prickett, 1994, p 6 and McLean to Sinclair, 22 September 1855, Sinclair Papers, MS-Papers-1947, ATL, Wellington.

⁸⁷⁴ Governor Gore Browne's proclamation, 12 February 1858, *Turton's Epitome*, Taranaki, A-2, No. 19, p 135.

⁸⁷⁵ The *Taranaki Herald*, 20 March 1858.

⁸⁷⁶ Ibid.

⁸⁷⁷ H R Richmond to C W Richmond, 7 February 1858, *The Richmond-Atkinson Papers*, G H Scholefield (ed), 1960, Vol. 1, pp 345 – 346.

belonging to Katatore, to assist in peace making. Henry Halse, the Police Commissioner, believed that he did so with the support of "all the natives from Moturoa to the Hua, the majority of whom would gladly make peace at any price so heartily tired are they of the whole affair."⁸⁷⁸

As has been argued elsewhere in this thesis, the active support of peace and acceptance of British law by Ngamotu hapu can be read in a number of ways. At an economic and political level Ngamotu hapu were safeguarding their position of favour with the settler community. This was necessary if the economic benefits they were reaping from their association with the settlers and the township were to continue. The wealth that their engagement with the settler economy generated also enhanced their mana amongst neighbouring hapu. Therefore, the agreement of the community at Te Kawai to vacate the pa for the length of the conflict was motivated by a desire both to continue and to express their relationship with the settler community, Governor and Queen. Head's argument also suggests that the community at Te Kawai may have agreed to vacate the pa because they believed that the Crown would use the pa to sustain peace in the province. In doing so the inhabitants were motivated by a profound belief in peace as the foundation of a shared Maori-Pakeha future in Taranaki, and a relationship with settlers and their government based on trust and expectations of reciprocal benefits.

⁸⁷⁸ Henry Halse to McLean, 10 November 1856, McLean Papers, MS-Papers-0032-314, ATL, Wellington.

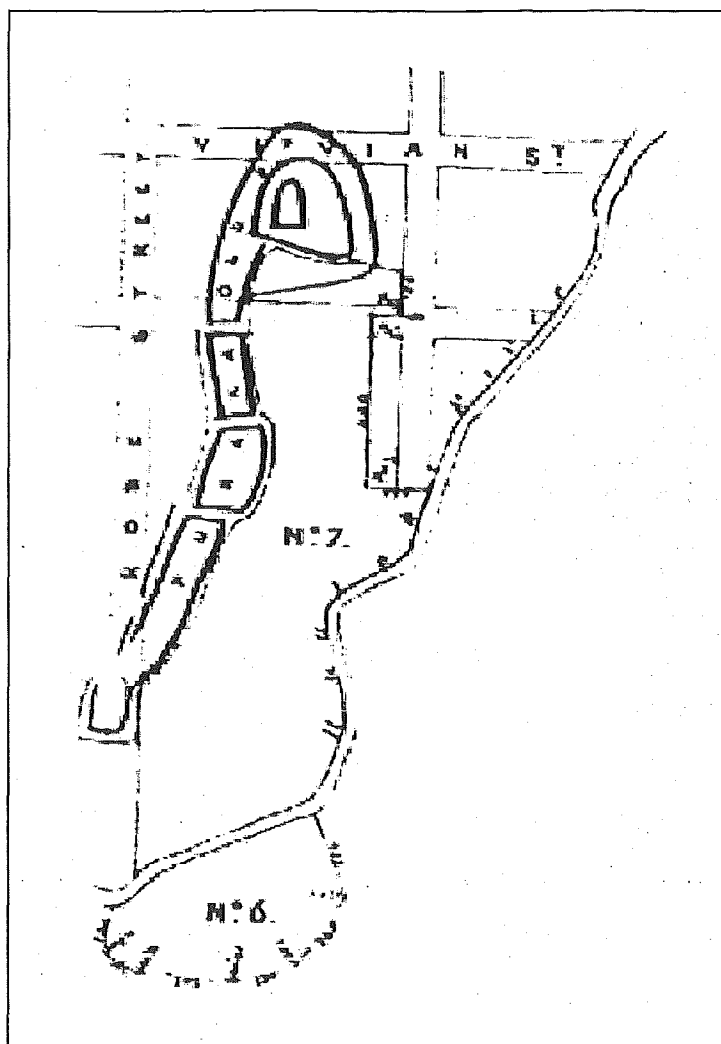


Figure 15: Plan of Native Reserves No. s 10 and 11, FitzRoy Block, c.1847 (shown here as No. 7 and No. 6) (source: 'Plans of Native Reserves in No. 1 FitzRoy Block', TR 7, LINZ, New Plymouth)

The Acquisition and Exchange of Pukaka and Pukeikei Native Reserves

The acquisition of Te Kawau Pa by the Crown was not an isolated incident. Two other Native reserves within the New Plymouth township owned by the Te Kawau community: Native Reserve No. 10, a 10 acre reserve that included the ancient pa of the same name; and Pukeikei Native Reserve No. 11, a reserve of 1 acre 3 roods 24 perches adjoining the inland side of Native Reserve No. 10, had been acquired by the Crown in 1855 (see Figure 14 above where they are mislabeled as No. 6 & 7). The records relating to the acquisition of these two reserves contain no evidence that the owners of the reserves were consulted or gave their

consent for the reserves to be used for military purposes. Given the evident motives of the community at Te Kawau it is possible that they were willing to surrender these two reserves so that troops could more effectively protect the settlers.

The Imperial War Department took Native Reserve No. 10 for the site of a military barracks in 1855 after repeated calls by settlers and provincial government for troops to protect them. So finally, on a visit to New Plymouth in April 1855, Acting-Governor Wynyard chose Pukaka as the site for the main barracks.⁸⁷⁹ Twelve metres were sliced off the top of the pa in preparation for the building.⁸⁸⁰ After further persistent lobbying, Imperial troops were sent to the province from Auckland in August 1855.⁸⁸¹ In October 1855 the Commanding Officer of the Royal Engineers, who were to occupy the barracks, approached the superintendent of the Province requesting a Crown grant of Marsland Hill (as it was renamed). Although the superintendent enthusiastically supported the request, the Governor was unwilling to make a formal grant to the Ordnance Department, fearing that the land would never be returned to the colonial government.⁸⁸² Despite a lack of clear title the Ordnance Department continued its operations: the prefabricated barracks arrived by sea and was completed and occupied by March 1856.⁸⁸³ Pukeikei Native Reserve No. 11 was a small reserve behind Pukaka, and only separated from it by the Huatoki Stream. It is likely that the proximity of another reserve to a key military post was considered inconvenient or threatening. As discussed in the previous chapter, the owner of the reserve, Timotu Kekeu of Te Kawau Pa, was offered and accepted a piece of land at

⁸⁷⁹ The *Taranaki Herald*, 4 April 1855.

⁸⁸⁰ The *Taranaki Herald*, 5 September 1855 and Prickett, 1994, p 6.

⁸⁸¹ Nigel Prickett, *The Archaeology of a Military Frontier: Taranaki, NZ, 1860 – 1881*, PhD Thesis, University of Auckland, 1981, p 25.

⁸⁸² Charles Brown to the Colonial Secretary, 11 October 1855, IA 1/1855/3399, ANZ, Wellington.

⁸⁸³ The *Taranaki Herald*, 22 March 1856. By 1870 Imperial troops had been withdrawn from the town and the British Under-Secretary of State for War was considering how the barracks, and other military buildings and the land should be disposed of. He concluded that Pukaka, and other New Plymouth lands used for military purposes, were held by the Imperial War Department under grant from the Colonial Government. (Under-Secretary of State of War to the Under-Secretary of State for the Colonies, 23 November 1868, BPP, Vol. 15, (307), pp 478 – 479) In line with Imperial policy, it was recommended that lands and buildings "originally granted by the Colonial Government to this department" should be "re-conveyed to the colony." (Under-Secretary of State of War to the Under-Secretary of State for the Colonies, 25 February 1869, BPP, Vol. 15, 1868-9 (307), pp 483 – 484). However, an accompanying Imperial schedule shows that no grants to the Ordnance Department for these lands were ever actually made. Despite this, the British Government passed the Colonial Fortifications Act in 1877 enabling the British Crown to transfer land it held in trust for military purposes to the Governor of a colony by the publication of an Order in Council (A.D. 1877, Colonial Fortifications Act, 40 & 41 Vict. c. 23, *Great Britain Laws, Statutes. Etc, The Statutes: Revised Edition*, Vol. XVIII, 39 & 40 Vict to 41 & 42 Vict A.D. 1876 – 1878).

Pukenui Native Reserve No. 14 in exchange for Pukeikei.⁸⁸⁴ By August 1860 Te Kawau, Pukaka (and Pukeikei) were all military posts enclosed within the defences of New Plymouth township (see Figure 13).

The New Zealand Wars, North Taranaki (1860 – 1863)

The Impact of the New Zealand Wars on Individual Ngamotu/Settler Leasing Arrangements

In general it is far easier to reconstruct the impact that war in Taranaki had on the relationship between Ngamotu hapu communities and the settler community than it is to trace the effects of war on the relationships between Ngamotu hapu and settler individuals involved in the leasing of Native reserves at New Plymouth. This is largely because sources used to discuss both sets of relationships were generated by settlers and government officials. War was such a dominant reality for all the inhabitants of the province that letters and official correspondence, with a few exceptions, contain little about the relationships between Te Atiawa landlords and settler leasees.

However, the case of More's lease to Edgecombe of Otumaikuku Native Reserve provides some indication of the sorts of impact the conflict had on relationships between Ngamotu hapu landlords and settler tenants.⁸⁸⁵ It appears that Edgecombe terminated the lease agreement some months after the outbreak of the conflict because the fences he had put up "were taken away and his crops destroyed."⁸⁸⁶ The reserve lay outside the palisades and gates that had been erected around the township itself, and so was vulnerable to raids and destruction of property by Maori fighting against the Crown. The agreement between More and Edgecombe had been that Edgecombe would pay no rent in the first two years. In return "Edgecombe fenced the land and took down and carted a cottage from the town to the place for More which he was to enlarge and leave in good repair at the end of fourteen years."⁸⁸⁷ The sequence of events is not entirely clear from Whiteley's letter, but it appears that after the fences and crops were destroyed "More sold the cottage and it was removed into town again." Edgecombe then

⁸⁸⁴ Parris to the Superintendent, 5 April 1862, MA-MLP-NP 1, p 261, ANZ, Wellington.

⁸⁸⁵ The history of this lease is outlined at the beginning of this chapter.

⁸⁸⁶ Whiteley to Gore Browne, 28 September 1861, Whiteley Papers, MS-Papers-0484-5, ATL, Wellington.

⁸⁸⁷ Ibid.

approached the Native reserves commissioners and "begged to be released from the bargain."⁸⁸⁸

It is not clear whether More's removal of the cottage was a surprise to Edgecombe, or whether the two men had discussed the surrender of the lease before Edgecombe approached the commissioners. It would seem reasonable to suppose that More removed the cottage that he owned because he feared that Maori fighting against the Crown might destroy it (as they had already done with the fences and the crops). More's subsequent sale of the cottage was probably motivated by financial pressures; it was noted around this time that he "had long been wanting money" to enable him "to purchase a plough Bullock for the cultivation of his other lands."⁸⁸⁹ Shortly afterwards he requested that the reserve be sold, and it was purchased privately by the Native reserves commissioner Robert Parris for the £100 which More had asked for it. In defending Parris' purchase of the reserve his fellow commissioner, John Whiteley, emphasised More was opposed to the reserve going to public auction and that he was happy to sell it to Parris for £100.⁸⁹⁰

The Impact of the New Zealand Wars on Inter-cultural Relationships between Communities at New Plymouth

War and Ngamotu Hapu Hopes for a Joint Future

The first and second Taranaki Wars of 1860 – 1863 were responsible for a radical and irreparable decrease in inter-cultural trust in the public sphere at New Plymouth. Both the Ngamotu hapu communities and the settler community felt that their trust in the other had been betrayed. The betrayal was felt at both a material and an ideological level.

It is difficult to make sense of the way in which Ngamotu hapu experienced the first and second Taranaki Wars of 1860-61 and 1863 and the impact this had upon their vision of a shared future with Pakeha. The Crown and settler labels of 'friendly' and 'rebel' obscure as much as they illuminate and there is a shortage of work by historians seeking to understand the experiences of 'friendly' hapu during this period. What is apparent however is that the great majority of Ngamotu hapu communities remained either neutral or 'friendly' during these

⁸⁸⁸ Ibid.

⁸⁸⁹ Ibid.

conflicts. Although the meaning of these activities is far from clear they appear to express the hope of many Ngamotu people that the conflict could be resolved and a future based on a sense of kinship, equality and mutually beneficial relationships was possible.

After war was officially declared in March 1860, Ngamotu hapu leaders and communities at Moturoa, Te Kawau, Waiwakaiho and Katere took oaths of allegiance to the Queen.⁸⁹¹ Many were then enlisted as guides and soldiers alongside government troops. Such activities also effectively defined them as 'friendly' or 'loyal' (in opposition to those fighting against the Crown who were regarded as 'rebels') in the eyes of the Crown and the settler community at New Plymouth. 'Friendly' Ngamotu hapu communities also held a ring of outlying defensive positions around the township. Here the settler community put its trust in its Ngamotu hapu allies to protect their families and property from attack by 'rebel' factions. From these positions 'friendly' Te Atiawa were able to gather and pass on intelligence about the movements and intentions of 'rebels', which could then be used by government troops to direct their operations in the field.⁸⁹² "Friendly" Te Atiawa from these defensive posts could also go into 'rebel' territory as messengers and to bring in 'rebels' who surrendered.⁸⁹³

Supplied with arms and rations by the government in many cases, 'friendly' Te Atiawa communities acted as a first line of defence against attack from inland, north and south. Te Kawau people briefly held a position at the colonial hospital at Mangorei.⁸⁹⁴ Ngati Rahiri people who had recently returned from Queen Charlotte Sound occupied Fort Herbert, inland of the township near what is now Pukekura Park.⁸⁹⁵ 'Friendly' Te Atiawa from Waiwakaiho, Katere and Tapuirau had relocated onto Mr Horne's land, on the south bank of the Te Henui

⁸⁹⁰ Ibid.

⁸⁹¹ For example the many of the inhabitants at Te Kawau Pa took the oath of allegiance to the Crown on 21 March 1860 (only four days after the first military action at Waitara) (diary entry, 31 March 1860 published in the *Taranaki Herald*, 31 October 1860).

⁸⁹² See for example report by Ropiha to the Government on 17 September giving details of troops and 'rebels' killed and location and strength of Wiremu Kingi's camp at Mataitawa (diary entry 17 September 1860 published in the *Taranaki Herald* 22 September 1860).

⁸⁹³ See for example Parris' request to Tahana Papawaka and Raniera to go to out and bring in the wanted 'rebel' Hoera Pirere (Big Joe) from 'enemy' territory in October 1860 (diary entry 8 October 1860 published in the *Taranaki Herald*, 13 October 1860).

⁸⁹⁴ Diary entry for 1 September 1860 published in the *Taranaki Herald*, 8 September 1860.

⁸⁹⁵ Prickett, 1981, pp 38 – 39 and diary entry 2 March 1861 published in the *Taranaki Herald*, 9 March 1861. Ngati Rahiri are a hapu of Te Atiawa whose rohe extends north along the coastal plan from Waitara.

River, and a settlement remained there until at least 1864 when it was noted that the population was 23 men and 17 women.⁸⁹⁶ Maori at the Waiwakaiho Pa near the Waiwakaiho Bridge acted as guards.⁸⁹⁷ It was noted that these people were "entrusted with the maintenance of an important outpost on our main line of communication with the Bell Block house and Mahoetahi."⁸⁹⁸ Parris was certainly advocating such arrangements and was initially concerned that the Government was not valuing the 'friendly' Maori contribution to defending the settlement. In July 1860, he suggested that:

the limiting of rations to 100 has produced a great deal of dissatisfaction. There are upwards of 300 who are to take duty and protect the property of the settlers and I believe would be found to be very efficient for that purpose, if dealt fairly with, and put on full ration and a little warm clothing the same as the militia.⁸⁹⁹

In particular he noted that Mahau and his people held the post at Waiwakaiho with only half rations and no pay or other acknowledgement, Te Waka of Te Kawau was at the hospital and Poharama was defending the area between his settlement at Moturoa and Whalers' gate.⁹⁰⁰

The role that Ngamotu communities took in protecting the British settlement at New Plymouth may also be read as an expression of a sense of obligation to protect settlers from 'rebel' attack because they regarded the settlers as manuhiri within their rohe. If, as Head has suggested, they also regarded themselves and settlers as part of one community connected by whakapapa, there may also have been a sense of obligation to protect settlers as if they were their own 'kin'. At a practical economic and political level hapu needed to retain their position as allies of the settlers and the Crown to protect the economic advantage that they had cultivated to great success throughout the 1840s and 1850s. The wealth that these relationships generated for Ngamotu communities was a significant expression of mana that they were loath to lose. By choosing to stay within the boundaries of the 'friendly' territory

⁸⁹⁶ Mr Horne's sections were numbers 1961 to 1965, Town of New Plymouth. Diary entry 17 September 1860 published in the *Taranaki Herald*, 22 September 1860; 'Friendly Natives and places of settlement of New Plymouth', AD 1, 1864/2089, ANZ, Wellington respectively.

⁸⁹⁷ Diary entry 17 September 1860 published in the *Taranaki Herald*, 22 September 1860.

⁸⁹⁸ The *Taranaki Herald*, 16 February 1861.

⁸⁹⁹ Parris to McLean, 21 July 1860, McLean Papers, MS-Papers-0032-0493, ATL, Wellington.

⁹⁰⁰ Ibid. Whaler's gate was at the junction of South Road and Omata Road. From early 1860 a turnpike or tollgate was set up there by the province. Here 'friendly' Maori entering the town were required to produce a pass signed

(between Paritutu and the town side of the Waiwakaiho River) these communities were able to exercise the obligations they felt towards the settler community at New Plymouth. But at the same time they must have been mindful of the advantage this would give them in protecting their property from destruction by government troops and settler militia. Above all they probably saw their continued presence in their rohe during the conflict as a way of ensuring they retained the rights that went with ahi kaa.

The Impact of War on Ngamotu Hapu Boundaries of Social Trust

The experience of war for Ngamotu hapu was not as simply as the activities documented above would suggest. In particular some Ngamotu people shifted uneasily between 'friendly' and 'rebel' during the conflict. Again there are many layers which need exploring to truly make sense of the meaning that these shifts in allegiance held for those involved. However at one level they can be read as an indication of sense of betrayal. At an ideological level peace, the very ideal which British missionaries had presented to them as the foundation of civil society, and of a new, joint world, had been disregarded by the Crown and settlers who instigated war against Te Atiawa at Waitara in 1860. At an immediate level there was bitterness and anger at the injustice of this conflict as well as the suffering caused by fear, mistrust, deaths, migrations and displacement.

Te Atiawa had what remained of their land confiscated by the Crown, and only a fragment of it returned in individualised title more than two decades later.⁹⁰¹ This affected 'friendly' Maori who had sold their land to the Crown in the 1840s and 1850s because they had both kin and land interests in the confiscated territory. The social fabric of Te Atiawa society was irreparably damaged. Leaders were killed in battle, and the population was diminished by disease. This is very evident in the minutes of the Native Land Court in North Taranaki in 1887 when the Native reserves first came before the court. Many of those named as successors were only remotely related to the original owners because so many individuals on the family branches had died without issue.⁹⁰² Even those who retained land faced considerable obstacles in making it

by the military officials (Dick Scott, *Ask That Mountain: The Story of Parihaka*, 1975 rep by Reed/Southern Cross Books, 1994, p 16).

⁹⁰¹ Confiscation and the Compensation Court are dealt with in *The Taranaki Report*, 1996, pp 107 – 162.

⁹⁰² See for example the investigation of title for Puketotara Native Reserves No. 3 subdivisions 1 to 5 (Hearing at New Plymouth 9 June 1887, Taranaki Native Land Court minute book 3, p 310).

productive again. Staple food crops were so completely destroyed that kumara varieties had been completely lost. In 1870 Karauria, a chief near New Plymouth with "land at Puketotara and at the 'Meeting of the Waters', Waiwakaiho and Mangorei" was asking the superintendent, Charles Brown, to obtain kumara varieties from Auckland to replace those which were lost.⁹⁰³

A sense of betrayal expressed itself in a number of ways. Support for missionaries and their churches that had taught the importance of peace declined sharply. It appears that 'friendly' Maori trust in the Wesleyan Methodist mission and church was profoundly shaken by the Wesleyan Methodist support for the Crown during the war. Stenhouse has concluded that the Wesleyans who had supported Maori and humanitarian movements during the 1830s and 1840s were "firmly behind" the government by 1860.⁹⁰⁴ In particular he noted that "the Reverend John Whiteley urged [Wiremu] Te Rangitake to surrender on the ground that Scripture enjoined subjects to submit to the governing authorities."⁹⁰⁵ Like many missionaries, Whiteley regularly communicated information to the government.⁹⁰⁶ By May 1863, Whiteley was only preaching at two communities in North Taranaki: Moturoa and Mataitawa. By 1867 only two Maori chapels remained with just 78 members compared to 320 members in 1852.⁹⁰⁷

The shifting of alliance from 'friendly' to 'rebel' can also be understood in terms of the way that Te Atiawa people felt pulled between traditional values and cultural practices related to war and newer Christian notions and relationships with the settler community. Some left to join the 'rebel' forces and other positioned themselves in the ambiguous territory between relationships with their Maori kin and with settlers, working as 'double agents' passing information to government troops and officials and conveying information about the government's intentions to 'rebel' kin.⁹⁰⁸ It is difficult to believe that warfare that had, until less than a generation ago, been the fundamental mechanism used by Maori "to restore the mana of groups and their

⁹⁰³ Charles Brown to McLean, 11 May 1870; Charles Brown to McLean, 10 August 1870 and Charles Brown to McLean, 24 June 1873 all in McLean Papers, MS-Papers-0032-0178, ATL, Wellington.

⁹⁰⁴ Stenhouse, 2000, p 31.

⁹⁰⁵ Ibid.

⁹⁰⁶ McLean, 1992, p 56 & p 58.

⁹⁰⁷ Ibid, pp 59 - 60.

⁹⁰⁸ Tahana Papawaka, a Native assessor from Katere was imprisoned for passing information to 'the enemy' (Hua Fort Diary, Vol. 1, entry for 11 January 1861, Pukeariki Library Archive, New Plymouth).

allies damaged by an injury of some kind" had entirely been discarded.⁹⁰⁹ Some Ngamotu people may have seen the conflict as an opportunity to exercise utu: "an essential return, repayment or sanction imposed after episodes of loss resulting from crime or violence" in the past, in order to restore the mana of their kin-group.⁹¹⁰ Neither is it likely that there was such rapid change to notions about the importance of leadership in battles in establishing and retaining rangatiratanga. It is also unclear how strong newer notions of a conceptual kinship with settlers were against well-established concepts of whakapapa and obligations to kin in the life and death situations of warfare.

The Impact of War on the Settler Community's Boundaries of Social Trust

The 'rebellion' of Maori against the Queen's authority (and by extension 'civilisation', law and good government) profoundly upset any sense settlers may have had of having safely established a British community in the province. This was compounded by settler reliance on Ngamotu hapu and other 'friendly' hapu to defend the besieged and fortified town of New Plymouth and the sense of betrayal felt by many settlers when significant Ngamotu hapu chiefs and their people defected to fight against the Crown. These often sudden shifts of allegiances from 'friendly' to 'rebel', as they were perceived by many in the settler community, were one of the key reasons for the hardening of attitudes towards Maori amongst many settlers at New Plymouth. As a consequence, Te Atiawa were slated generally as deceitful or untrustworthy, and relations between the two communities continued to deteriorate. As early as July 1860, Robert Parris was deeply concerned that the settler attitude towards 'friendly' Maori was scornful and actively vindictive. He commented that:

the settlers in particular think they have a right to treat them all as rebels, and are attempting distinctively [sic], to influence the military against them, and taking unjustifiable liberties with their property. I have taken two cases to court ... At the commencement of the operations, while the Declaration of Allegiance, and the passes were being put into force, Natives were handled sometimes roughly.⁹¹¹

As Parris pointed out, 'friendly' Maori felt threatened and uncertain about the government's intention towards them, and the behaviour of settlers did nothing to persuade them otherwise:

⁹⁰⁹ Angela Ballara, *Taua: 'Musket Wars', 'Land Wars' or Tikanga? Warfare in Maori Society in the early Nineteenth Century*, Penguin Books, Auckland, 2003, p 26.

⁹¹⁰ Ibid.

"one mishap, or unwarrantable injury done to one of them would confirm them in the opinion so prevalent among the disaffected viz. that the Government, intend to exterminate them."⁹¹²

The 'defection' of the prominent Te Kawau leader, Te Waka, and some of the members of that community strengthened the negative perceptions of settler about 'friendly' communities. In August 1860, Te Waka joined Wiremu Kingi's 'rebel' forces. Many of the inhabitants of Te Kawau led by Te Waka resided at Puketotara.⁹¹³ These people also owned the Puketotara Native Reserve. A comparison of names on the assent notice for Puketotara and the deed of sale for Te Kawau shows an almost perfect match, and an 1866 schedule notes that Puketotara was owned by "Te Henui natives under the chief Te Waka."⁹¹⁴ But in settler eyes their loyalty became suspect when they built a pa at Puketotara for Ngatiruanui, who were considered 'rebels'.⁹¹⁵ According to the *Taranaki Herald*: "from this stockade Wi Kingi has been receiving detailed information of all that has been going on in the town during the war through Waka's friendly espionage. Most of Te Waka's Pakeha neighbours and friends were by this time fully impressed with his guilt."⁹¹⁶ Te Waka and his people had been holding the hospital as a military post, however, after only being in occupation for a brief period he and about 12 others left to join 'rebels' and by 17 September 1860 were at Wiremu Kingi's forest camp at Mataitawa.⁹¹⁷ The newspaper noted that: "no incident of the war has occasioned more comment, and perhaps more tended to shake confidence in Native professions than the defection of the chief Waka."⁹¹⁸

It is uncertain what motivated Te Waka and some of his people to join the conflict against the Crown. But interestingly the newspaper's speculation about those reasons confirms that settlers also felt that their government had entered a reciprocal relationship with chiefs like Te Waka, and that the government's failure to meet its obligations may have led to Te Waka

⁹¹¹ Parris to McLean, 21 July 1860, McLean Papers, MS-Papers-0032-0493, ATL, Wellington.

⁹¹² Parris to McLean, 23 July 1860, McLean Papers, MS-Papers-0032-0493, ATL, Wellington.

⁹¹³ Parris to Henry Halse, 16 April 1862, AJHR, 1863, E-4, section X, No. 18.

⁹¹⁴ 'An Account of Native Reserves in the Province of Taranaki together with the owners thereof', AD 1, 1866/610, RDB, Vol. 136, pp 52169 – 52177.

⁹¹⁵ The *Taranaki Herald*, 25 August 1860.

⁹¹⁶ Diary entry for 1 September 1860 published in The *Taranaki Herald*, 8 September 1860.

⁹¹⁷ The *Taranaki Herald*, 25 August 1860.

⁹¹⁸ Ibid.

withdrawing his support. The media suggested that Waka's 'defection' had a lot to do with the way in which he was treated by the Crown when the Native Assessors in Taranaki were re-evaluated:

unhappily the measure was marred by the introduction of a graduated rate of salary...[but] his service belonged to the past, and the Native Department reckoning on their man [Te Waka] for the future, gave him office without emolument, while it lavished its favour on men who had, with some exceptions, yet to prove themselves.⁹¹⁹

They speculated that this wounded Te Waka's pride. Interestingly it was reported that to compensate for this slight the government contributed "towards the construction of a timber built house [for Waka] in the Kawau pa."⁹²⁰ These contemporary opinions also point to the possibility of complex undercurrents that affected allegiances.

At an ideological level the experience of war cut to the heart of the settlers' ideals of a new life in a new and better country. There was death from war and disease and the suffering caused by the separation of families (many women and children were sent to Nelson for safety). The perimeter of the town's defences was contracted and the barracks on Marsland Hill served as refuge for the population during frequent invasion alarms. As a consequence the town was seriously overcrowded and deaths from disease rose dramatically. To put this in perspective, "according to one account, no fewer than 121 settlers died from disease during the war, as against a peace-time death rate of twelve or thirteen per annum."⁹²¹

Many settlers felt bitterness over the loss of property that they had struggled to establish in the first twenty years of the settlement. James Cowan's assessment of the 1860-61 war was that it had resulted in "the enormous destruction of settlers' property at comparatively small cost to the Taranaki Maoris."⁹²² He gives as evidence a figure of three-quarters of all settler farmhouses at Omata, Bell Block, Tataraimaka, and settlements nearer to the town lost or damaged by burning or sacking. In total he records that "the premises of 187 farming families

⁹¹⁹ Ibid.

⁹²⁰ Ibid.

⁹²¹ James Belich, *The Victorian Interpretation of Racial Conflict: The Maori, the British, and the New Zealand Wars*, McGill-Queen's University Press, Montreal and Kinston, London and Buffalo, 1986, p 105.

⁹²² James Cowan, *The New Zealand Wars: A History of the Maori Campaigns and the Pioneering Period*, Vol. 1, Government Print, Wellington, 1983 (reprint), p 219.

were destroyed, many of them in daylight, and some within rifle-range of the stockades. The total value of homes and stock lost was estimated at £200, 000."⁹²³

The Immediate Post War Period (1863 – 1865)

The Private Sphere: Native Reserves as Continuing Sites for Maori-Settler Relationships

Despite the removal of Te Atiawa communities from New Plymouth township, and the general inter-cultural suspicion and mistrust at a public level, individual members of these communities continued existing lease agreements for Native reserve land. The social dimension to the agreements is evident in the way some settler tenants became personally involved in the lives of their Te Atiawa landlords. In July 1869, the lessee of Waiwakaiho I, W Martin, paid for the coffins for two Maori owners, Wi Ropiha and Kororaina, in lieu of a portion of the rent on the reserve. Each coffin cost £4 and together they accounted for £8 of the £18 rent instalment.⁹²⁴

Another post-war incident at Moturoa demonstrates that for Te Atiawa owners of reserves the character of the men who they sought to incorporate into their communities was at least as important as the potential economic gain. This incident involved a settler, Peter Priske, who had a section near the Moturoa Native Reserve. Priske had approached Commissioner Henry Halse to ask him to help get Poharama's permission for an access road across the reserve to his section. Priske, Halse and Poharama visited the site, with Halse acting as an interpreter to explain why Priske wanted the right of access to be granted. "After a little consideration Poharama agreed to allow Mr Priske a right of passage to his back section, because he was a good Pakeha." Halse believed from this comment and the context "that the privilege was not to extend beyond Mr Priske. I mean that, in the event of Mr. Priske's section falling into the hands of strangers, the right of passage would cease."⁹²⁵ Clearly the granting of rights were dependent on, and inseparable from inter-personal considerations.

The Public Sphere: Becoming Visitors in a Settler Space

The mistrust of Te Atiawa allies and the fear, hardship and losses of warfare resulted in a general unwillingness to contemplate the existence of, and to create a shared Maori-Pakeha community. Instead there were moves to permanently exclude Te Atiawa communities from

⁹²³ Ibid, Vol. 1, p 219.

⁹²⁴ 'An Account of All Monies Received and Expended by the Commissioners for Native Reserves, New Plymouth, during the Year ended 31st December 1869', 2 March 1870, *Taranaki Provincial Gazette*, Vol. XVIII, No. 7, 1870, pp 23 – 26.

the township of New Plymouth. By 1862, military and civic pressures had resulted in all the Native reserves within the immediate boundaries of the township being alienated from Te Atiawa control and ownership: Te Kawau Pa, Pipiriki Native Reserve No. 8, Otumaikuku Native Reserve No. 9, Native Reserve No. 10 and Pukeikei Native Reserve No. 11. The re-establishment of a Te Atiawa community at Te Kawau Pa in central New Plymouth after the war of 1860-1861 was unthinkable for many settlers, provincial and central government officials. Waging war against the Crown was seen as a negation of trust in peace, order and good government, and therefore in British civilization itself. The possibility of Maori assimilation seemed far less certain in the colonial mind after 1860. "Rebellions' were often seen as a "rejection of British policies and values. As a result, the capacity of non-Europeans to match British standards was seriously questioned."⁹²⁶ This reinforced the long-standing ambivalence amongst the settler community about the presence of Te Atiawa communities in the township of New Plymouth.

In the brief peace of mid-1861, between the first and second Taranaki Wars, it was reported that: "a proposition has ... been on foot to establish a Native village on the sections near Henui where the pa now stands."⁹²⁷ Despite the assistance of 'friendly' Te Atiawa in defending the settlement public opinion was firmly against the proposal. One reporter was particularly scornful: "what abomination is covered by the name of a Native village, near a colonial town, no one in New Zealand need be in ignorance."⁹²⁸ The proposal was rapidly dropped: "our readers will be glad to hear that the proprietors of the Henui sections in question has been informed that the plan is abandoned."⁹²⁹ At that time Te Henui was the very northern fringe of the settled district, so these objections would have been even stronger had Te Atiawa had been permitted to settle again at Te Kawau Pa.

⁹²⁵ Henry Halse to H R Richmond, 4 June 1866, *Turton's Epitome*, D-106.

⁹²⁶ Porter, 1996, p 220.

⁹²⁷ It is uncertain whether this refers to the pa which had been built on Mr Horne's land (sections 1961 to 1965 Town of New Plymouth) by Te Atiawa people from Waiwakaiho, Tapuirau and Katere (diary entry 17 September 1860 in the *Taranaki Herald*, 22 September 1860) or to pa on either Te Henui Native Reserve No. 15 or Purakau Native Reserve No. 16.

⁹²⁸ The *Taranaki Herald*, 27 April 1861.

⁹²⁹ Ibid.

However there was no possibility of Te Atiawa resettling at Te Kawau simply because they had reluctantly sold it to the Crown in 1862. The sale was the end result of a breach of trust on the part of the Crown. Te Atiawa had agreed to place the pa in the hands of the government only after they were assured "that at the termination of hostilities, the Kawau Pa should be restored to them in its entirety."⁹³⁰ As we have seen, the decision by Te Atiawa to leave this settlement sprung out of a profound belief in peace and a joint future with the settlers. The agreement demonstrated a high level of trust, and a belief in mutual give and take, all aimed at a stable and productive future. However it also unwittingly opened the door for the Crown's possession of the pa, and its subsequent construction of a road through it; and if this road had not made the pa worthless to Te Atiawa it is doubtful they would have signed deed of sale in favour of the Crown in 1862.

Despite the agreement the Crown had made with Te Atiawa "the Government appointed the resident magistrate and two northern chiefs (Cain and Ahipere) to value the land at Kawau" in April 1861.⁹³¹ Parris considered the valuation was "for the purpose ... of endeavouring to purchase it."⁹³² It appears that some Ngamotu hapu were consulted and gave their consent to sell the pa. McLean reported that "in the early part of April last I had several conversations with the Natives upon the subject, and they appeared to me quite willing that the land be sold to the Government."⁹³³ However the consent was neither publicly given nor inclusive of all the owners of the land. In April 1862 "four of the principal Natives of the Kawau Pa" went to Parris to complain that a work had begun on a road across the pa to connect Currie Street to the beach.⁹³⁴ Parris considered it "rather injudicious" that work had begun on the road before the land had been acquired by the Government but only "inasmuch as it is calculated to embitter the Native owners, and render them less practicable to negotiate for the same." He suggested that if the Government were going to follow up their valuation then "the sooner it was done the better."⁹³⁵ On 9 May 1862 he was instructed by the Government to begin negotiations with Te

⁹³⁰ Parris to Henry Halse, 16 April 1862, AJHR, 1863, E-4, section X, No. 18.

⁹³¹ Ibid.

⁹³² Ibid.

⁹³³ 'Memorandum on Te Kawau Pa', Donald McLean, 22 November 1861, *Turton's Epitome*, D-71.

⁹³⁴ Parris to Henry Halse, 16 April 1862, AJHR, 1863, E-4, section X, No. 18.

⁹³⁵ Ibid.

Atiawa.⁹³⁶ It took six months for negotiations to be completed, but it is unclear why this was the case. The pa was finally purchased for £550 on 16 October 1862.⁹³⁷

The settler determination to eliminate Native reserves and the Te Atiawa communities that lived on them from the township of New Plymouth and instead to provide temporary places for them on settler cultural terms was at odds with the earlier intention of government that the reserves be a means of assimilating Maori. At a practical level this tension between marginalisation and assimilation prompted government officials in New Plymouth after the wars to focus on ways to provide facilities for Te Atiawa in the township, but at the same time to avoid making space available for permanent autonomous Maori settlements. This effectively reduced Te Atiawa to being mere visitors in an increasingly settler place. Commissioner Parris saw the need to provide a hostel for Maori visiting the town. Plans for a hostel were underway before Te Kawau was vacated; in 1859 Parris noted that Maori from communities beyond the town had no place to rest when they came into New Plymouth with oxen and carts to trade. Parris had been renting a building for this purpose at his own cost but was now requesting the government fund a purpose-built facility.⁹³⁸ By May 1859, Parris had selected a central New Plymouth site adjacent to a military reserve and was trying to get the superintendent to agree to Maori using the military reserve for their horses and oxen while in town.⁹³⁹ By the end of November the building was completed and the bill sent to the government.⁹⁴⁰ It appears that the hostel or similar ventures were functioning until at least 1870.⁹⁴¹

At an ideological level hostels embodied conflicting British impulses to assimilate Maori, and to marginalize them. The idea of hostels as a tool for the assimilation first appeared in 1842 when Bishop Selwyn, one of the Crown's first trustees of Native reserves, outlined a plan for building hostels for Maori in towns to act as sites for training Maori in British habits. He announced that:

⁹³⁶ Henry Halse to Parris, 9 May 1862, AJHR, 1863, E-4, section X, No. 19.

⁹³⁷ For two versions of the purchase deed see R 19/43, Land Transfer Office, New Plymouth and MA-MLP 1/6, pp 152 – 155, ANZ, Wellington.

⁹³⁸ Parris to the Native Secretary, 16 March 1859, MA-MLP-NP 1, p 209, ANZ, Wellington.

⁹³⁹ Parris to the Native Secretary, 26 May 1859, MA-MLP-NP 1, pp 216 – 217, ANZ, Wellington.

⁹⁴⁰ Parris to the Native Secretary, 18 November 1859, MA-MLP-NP 1, pp 234, ANZ, Wellington.

⁹⁴¹ In 1870 the Civil Commissioner wrote to the Native Department requesting that "he be authorised to spend £50 in erecting a small house for the accommodation of Natives visiting town" (70/1451 in MA 3/4, ANZ, Wellington).

The plan of the trustees is this:- 1st. To build in every town a hostelry for the natives who come there to trade, on a plan similar to an almshouse in England, with a small chapel for their daily worship, and convenient boxes and cupboards for their goods; in time we may have a clergyman to live in the midst of them.⁹⁴²

These would be coupled with schools where "all good and useful arts and habits may be taught, from the earliest age."⁹⁴³ The hostel was implicitly and sometimes explicitly contrasted with the pa. Hostels functioned as assimilating institutions by removing Maori from pa where their power, communal social organisation and custom remained intact. When placed in a British space Maori were expected to function as individuals and abide by British customs and be supervised by the settler or government official charged with running the hostel. However the hostel can be seen as an ambiguous venture: a place where in the very process of assimilation Maori would be separated from settlers.

Parris explicitly contrasted the hostel he was building at New Plymouth with Te Kawau Pa, hoping that it would provide an alternative to the pa for those coming into the town.⁹⁴⁴ He also envisaged the hostel as a controlled 'civilising' environment, commenting that it should "not [be] allowed to degenerate from a quiet resting place for well conducted Natives, to a place of evil resort for dissipated characters."⁹⁴⁵ However he also considered that the hostel would keep Maori out of the way of settlers. He argued that a hostel was necessary because visiting Maori had no place to go but the street "which is frequently a cause of unpleasantness with the Europeans."⁹⁴⁶

Conclusion

Leases between Te Atiawa and settler individuals most often sprang out of relationships between the parties, and the social obligations inherent in these leases both expressed and furthered the existing relationship. Those settlers best positioned to form relationships with Te

⁹⁴² Extract from the letters and visitation [51] of the Bishop of New Zealand – journal written at Nelson, 21 August to 29 August 1842 in Appendix to the 15th report of the New Zealand Company, No. 1.

⁹⁴³ Ibid.

⁹⁴⁴ Parris to the Native Secretary, 26 May 1859, MA-MLP-NP 1, pp 216 – 217, ANZ, Wellington.

⁹⁴⁵ Ibid.

⁹⁴⁶ Parris to the Native Secretary, 16 March 1859, MA-MLP-NP 1, p 209, ANZ, Wellington. These tensions were apparent in New Plymouth even in the twentieth century when many hotels operated a 'colour bar' that excluded

Atiawa individuals were those who had married Te Atiawa women or whose professional lives had brought them into contact with Te Atiawa communities. These circumstances fostered a willingness on the part of particular settlers to expand the boundaries of their social trust to include Maori. For Te Atiawa these leases were a means of incorporating influential settlers into their own communities. The settler tenant was then given the right to use the reserve land but in exchange was expected to support or even intervene on behalf of their Te Atiawa landlords. The cases that have come to light so far indicate that the settlers involved readily adapted to these obligations.

These private arrangements were a counterpoint to the often public tensions between the two cultures in the lead up to the outbreak of war at Waitara in March 1860. The vision Ngamotu hapu had developed of a shared future with the settlers provided mechanisms which motivated them to include the settlers in their economic and social world, and even to consider the two peoples tied together by a conceptual whakapapa. It was a vision which motivated Ngamotu hapu to agree to leave Te Kawau pa, and to trust promises made to them by Crown officials that it would be returned to them after the conflict. However the cultural values of the settler community as a whole provided no equivalent mechanism that would allow them to publicly welcome Te Atiawa communities in the midst of the township. In fact a number of ideological and practical considerations led to a level of public hostility towards Ngamotu hapu and their settlement at Te Kawau Pa.

One of the major consequences of the first and second Taranaki Wars for these two communities was that each suffered a betrayal of faith in the other, and each had their ideals of a peaceful and prosperous future shattered. Many Ngamotu hapu found themselves pulled between new ideas of peace as the foundation of civil society and older practices which had been fundamental to a society where war and utu served important functions. Once the conflict ended the settler community were unwilling to allow Te Atiawa to live in or near the township. In a further breach of inter-cultural trust the Crown allowed a road to bisect Te Kawau pa and Ngamotu hapu reluctantly agreed to sell the pa. As a consequence there was no hope of re-

Maori. (John Hutton, *Aspects of the Social History of Maori in Taranaki, 1880 – 1960*, Overview Report for the Waitangi Tribunal and the Crown Forest Rental Trust, April 1998, pp 196-197).

establishing their community in the heart of the township. Settlers rejected another location for a Te Atiawa settlement at Te Henui. Although a hostel was built for Maori in the town, it was a westernised space in which they were expected to behave as assimilated individuals but were at the same time separated from settlers with whom they were supposed to aspire to integrate. Within less than 25 years of the establishment of the settlement of New Plymouth Ngamotu hapu found themselves visitors in a British place.

Chapter 8: Conclusion

The connection between assimilationist policies in the early colonial period and the provision of Native reserves by the New Zealand Company and by the Crown has been made by a number of historians. However, historians have yet to fully draw out the ways in which policies of assimilation functioned as visions of the Maori future within an evolving Anglo-settler society, and by extension to illuminate colonial attitudes towards inter-cultural relations. What is remarkable is the consistency and sheer number of assimilationist statements by Crown officials involved in the creation and management of Native reserves from 1840 to 1875. Though this agenda remained prominent, official views about the way Native reserves would function to assimilate Maori changed markedly between the 1840s and the mid-1850s.

Taranaki iwi and hapu of Te Atiawa were one of the testing grounds for this experiment. Native reserves created in the FitzRoy block (acquired in 1844), the Omata block and the Grey block (both acquired in 1847) were scattered amongst the sections belonging to settlers in the British township of New Plymouth in the hope that contact with settlers would lead to Maori emulating their 'civilised' neighbours. However, a significant proportion of the Native reserves set aside for Te Atiawa in the Waiwakaiho block (acquired in 1853-1854) were later re-purchased from the Crown by individuals. Likewise in the Hua blocks (acquired in 1854) a substantial proportion of the land retained by hapu in the wake of the purchase was re-purchased by individuals from the Crown using a proportion of the purchase money paid to hapu for the block. In this way individualised Crown-derived title would be created thus, it was hoped, breaking down the communal nature of Maori society and bringing them to adhere to British legal, social and economic norms. The evolution of Native reserve policy demonstrates that Native reserves were at the vanguard of attempts to change Maori society. However the possibility of Maori alienating land held in Crown grants had potentially serious, irreversible long-term effects for hapu. This was particularly the case because Native reserves were the only land hapu retained after the purchases, and they were dependant upon them to sustain their communities and retain equal economic, political and social standing alongside settlers as Anglo-settler communities were established and expanded.

One of the most rewarding aspects of this research has been the attempt to understand the vision particular Te Atiawa hapu at New Plymouth had about how they would share their rohe with the Pakeha newcomers. Though their initial expectations of being able to absorb into their own communities all the settlers who would arrive rapidly proved unrealistic, Ngamotu hapu consistently entered transactions with the New Zealand Company and the Crown in a desire to establish and sustain mutually beneficial relationships with the newcomers. Their hope was that these relationships would lead to the evolution of a joint Maori-Pakeha community in which hapu would remain both self-determining and politically, socially and economically equal with settlers. These desires were underpinned by cultural values and practice regarding the incorporation of strangers into their communities and the respective rights and obligations of tangata whenua and manuhiri. These world-views have been explored by other historians and feature prominently in Waitangi Tribunal historiography yet there has been little attempt to see how these might have informed the way in which hapu utilised their Native reserves through leasing to settlers.

This micro-level study of the ways in which Ngamotu hapu of Te Atiawa engaged with settlers at New Plymouth restores the perspective both of hapu and settlers to the history of Native reserves in the province. In doing so it reveals both the astonishing degree to which these hapu engaged with the capitalist economy which evolved in the province, and the remarkable economic success of their ventures before the war of 1860-1861. Lease arrangements of Native reserve land between individual Ngamotu people (and their hapu) and settlers, made an important contribution to the economic development of hapu. However what becomes clear for the first time is the way in which the leasing of certain reserves or portions of reserves gave expression to hapu strategies for utilising the reserves to sustain their communities and generate wealth. Examining particular instances of partnerships between hapu and settlers has illuminated the ways in which settler desire for suburban land coincided with both hapu desires for relationships with settlers and for the benefits these would bring. It has also highlighted the surprising extent of the social dimension to these relationships, strongly suggesting that lease arrangements were both grounded in inter-cultural relationships and created the conditions for the further development of those relationships. Thus Native reserves at New Plymouth can be re-conceptualised as sites of Maori-Pakeha relationship: as a contact zone – a place of

negotiation, exchange and agency, as much as an expression of Crown control over Maori lives.

The extent and nature of these established relationships between Ngamotu people and settlers in the leasing of Native reserves proved to have a defining influence on the work of the Taranaki commissioners of Native reserves appointed under the New Zealand Native Reserves Act 1856, and upon the extent of their success. Despite previous research little was known about the way that the commissioners in this province approached the task of bringing reserves under the Act and in subsequently administering them. What becomes evident is that their initial pro-active approach was rapidly replaced by a role as intermediaries between Te Atiawa and settlers who came to them with leases already arranged. Investigating the many connections between Ngamotu communities and the individual commissioners provided a further insight into the intertwining of Maori and Pakeha lives in Taranaki before 1875. In particular these connections cast new light on the way Crown officials operated within both the Maori and settler spheres and between the two worlds.

A statistical analysis of the Native reserves offers a comparison between those that were brought under the operation of the Native Reserves Act and those that remained in Te Atiawa control. This revealed the limits of the commissioners' success in seeking to administer the reserves. Over half of the total reserve acreage remained in Te Atiawa control. However, there were considerable disparities between the reserves Te Atiawa controlled and those that the commissioners administered. Reserves not brought under the Act were overwhelmingly rural reserves and or were in the Waiwakaiho and Hua blocks; conversely, a significant proportion of those administered by the commissioners were suburban reserves surrounding the town of New Plymouth. Settlers were particularly keen to lease suburban reserves of flat fern-covered land within easy reach of the township of New Plymouth for small farms. In many cases the parties brought their arrangement before the commissioners and the commissioners then had the reserve brought under the Act in order to grant a formal lease. Hence the desire of Te Atiawa to let reserves (and the willingness of settlers to lease them) was one of the most significant factors in Te Atiawa choices about which reserves to bring under the Act. Ngamotu hapu were able to mitigate the marginalising effect of losing control of so many of their

reserves near the township by living on parts of some of the larger reserves there and allowing parts to be leased to settlers. However, this pattern had profound long-term consequences for hapu because, in the process of bringing those reserves under the Act, the Native title was extinguished and they became Crown land administered in trust for those who signed the assent. Having lost the ownership of the most commercially valuable of their reserves Te Atiawa were poorly placed to develop businesses in New Plymouth as the settlement prospered.

By shedding new light on the private sphere of inter-cultural relationships at New Plymouth in this period this research has provided a counterpoint to the essentially ambivalent sentiments which found public expression in settler community attitudes towards Te Atiawa and their Native reserves within the vicinity of the township. The consistent theme of inter-cultural relations in the public sphere was the desire of settlers to keep Te Atiawa communities at a distance from the British township. These pressures had a significant influence on the spatial patterns of reserves allocated in the Omata and Grey blocks in 1847, leading to the aggregation of reserve land into larger blocks on the suburban and rural fringe of the settled area. These patterns were a visible manifestation of tensions between Victorian cultural notions about the duty of British colonists to 'civilise' Maori and Crown policies of assimilation based on these ideals; and settler unease about the 'savage other' in their midst. In the climate of fear generated by the Taranaki Wars of 1860 – 1863 these misgivings amongst settlers at New Plymouth easily turned to active mistrust. In this regard the Taranaki Wars emerge as a critical juncture in the relationship between the two communities, irrevocably shrinking the boundaries of social trust and leaving a legacy of mistrust and bitterness. It is also clear that this mistrust contributed significantly to the alienation of Native reserves and the removal of Ngamotu communities from the township of New Plymouth in the immediate lead-up to the war, and cut off the possibility of Ngamotu hapu resettling in the township when hostilities ceased. The impact of this alienation of reserves was particularly marked in New Plymouth because it deprived Ngamotu hapu of the few town sections allocated to them as Native reserves.

The alienation of all their Reserve lands, landmarks and sacred places in the centre of what is now New Plymouth city has meant that Te Atiawa became, to some extent, manuhiri (visitors) in their own landscape. They have struggled to have a physical presence in the city: a place where they had once controlled all the resources of the land, rivers and sea. In particular the alienation of central New Plymouth Native reserves has meant that there has been no land on which to establish a marae in the city area. This has been one of the most significant losses for Ngamotu hapu. As Sir Hugh Kawharu of Ngati Whatua has observed of his own iwi, who were deprived of a marae in Auckland, the lack of a turangawaewae, a place to stand, has deprived hapu of the traditional arena for the conduct of tribal affairs and for rangatiratanga (authority), whenua (land), taonga (cultural heritage) and tikanga (custom), the values which govern them.⁹⁴⁷ Lack of land in the city has also hindered Te Atiawa participation in the economic growth of the province, and has meant that in recent years they have had to lease land and buildings to have a presence in the city.

Te Atiawa have felt keenly the economic and spiritual loss of their land at New Plymouth, and of the reserves that had promised to sustain their communities and allow them to participate in the growth of the city which is now the economic hub of the province. Successive generations of Te Atiawa have challenged the Crown's actions and attempted to regain a place to stand in the city. In 1915, the people petitioned Parliament for the return of Pukeariki or for compensation for its loss.⁹⁴⁸ In 1922, hapu petitioned for compensation for Pukeariki and its desecrated urupa.⁹⁴⁹ In 1932 when attempts were made by hapu to have a piece of land set aside for a marae above the port, the Harbour Board which owned the land in question, refused on the grounds that the land would be needed for port expansion, and the City Council also refused a request to provide land.⁹⁵⁰ Again in 1937, the people petitioned parliament for the return of ownership and control of reserves and waahitapu including Pukeariki and Te Kawau.⁹⁵¹ Statements about the loss of these pa and Native reserves are prominent in the

⁹⁴⁷ Ian Hugh Kawharu, 'Mana and the Crown: A Marae at Orakei', in *Waitangi: Maori and Pakeha Perspectives of the Treaty of Waitangi*, Ian Hugh Kawharu (ed), Oxford University Press, Auckland, 1989, p 211.

⁹⁴⁸ Petition by Neha Kipa and 59 others, Petition No. 240 (1915), AJHR, 1928, I-3, p 12.

⁹⁴⁹ Petition by Neha Kipa and others, 22 December 1922, in LS 20/19/15 Pukeariki Pa file, LINZ, New Plymouth.

⁹⁵⁰ The *Taranaki Herald*, 13 June 1935 and Taranaki Harbour Board Minutes, 11 July 1935, Westgate Technical Services Archive, New Plymouth.

⁹⁵¹ Petition by Morere Whatitiri and others, 29 September 1937, in LS 20/19/15 Pukeariki Pa file, LINZ, New Plymouth.

statement of claim that Te Atiawa filed with the Waitangi Tribunal in 1986. In 1996, over one hundred and thirty years after these losses were sustained, the Waitangi Tribunal delivered its report on the Taranaki claim. At the same time a viable opportunity arose for the Iwi to regain a foothold in the city. Barrett Street Hospital (part of Otumaikuku Native Reserve No. 9) and the New Plymouth railway station (Parahuka, the original marae of Pukeariki) were declared surplus to the Crown's requirements.

Iwi were invited to make a case for their return, and if the Crown judged the places in question to be significant enough the land would be retained and placed in a "land bank." These cases were successful and these lands are now likely to be part of the settlement of the Nga Iwi o Taranaki Treaty claim. Their return will be an important and symbolic step for Te Atiawa in their struggle to regain a place to stand in New Plymouth.

Appendix 1: Statistical Analysis of the Composition of Native Reserves Allocated in the FitzRoy, Omata, Grey, Hua and Waiwakaiho Blocks

Status	Total Native Reserve Acreage	Total Number of Native Reserves	Percentage (by type of land)	FOG Native Reserve Acreage	No. of FOG Native Reserves	FOG Native Reserve acres as percent of total acreage	WH Native Reserve Acreage	No. of WH Native Reserves	WH Native Reserve acres as percent of total acreage
Overall	4822. 05 T=28.76 S=2205.29 R/S=560 R=2028	49 T=6 S=34 R/S=1 R=8	100% T=0.60% S=45.73% R/S=11.61% R=42.10%	1862. 93 T=28.76 S=543.17 R/S=560 R=731	25 T=6 S=15 R/S=1 R=3	38. 63% Of this: T=1. 54% S=29. 16% R/S=30. 06% R=39. 24%	2959. 12 T=0 S=1662.12 S/R=0 R=1297	24 T=0 S=19 R/S=0 R=5	61. 37% Of this: - T=0% S=56. 17% R/S=0% R=43. 83%

Appendix 2: Statistical Analysis Comparing Native Reserves in the FitzRoy, Omata, Grey, Waiwakaiho and Hua Blocks Brought under the Operation of the New Zealand Native Reserves Act 1856 against those not Brought under the Act

	Acres overall	No. of reserves overall	% of total reserve acres allocated	No. of acres which were FOG reserves	No. of reserves which were FOG reserves	% of acres which were FOG reserve acres	No. of acres which were WH reserves	No. of reserves which were WH reserves	% of acres which were WH reserve acres
Native Reserves brought under the operation of the Act	2542.34 T=16.86 S=803.57 R/S=560 R=1321	20 T=4 S=10 R/S=1 R=5	52.72% T=0.66% S=25.35% R/S=22.03% R=51.96%	1658.84 T=16.86 S=350.98 R/S=560 R=731	15 T=4 S=7 R/S=1 R=3	65.25% T=1.02% S=21.16% R/S=33.76% R=44.07%	883.50 T=0 S=293.50 R/S=0 R=590	5 T=0 S=3 R/S=0 R=2	34.75% T=0% S=33.22% R/S=0% R=66.78%
Native Reserves NOT brought under the operation of the Act	2279.72 T=11.09 S=1561.63 R/S=0 R=707	29 T=2 S=24 R/S=0 R=3	47.28% T=0.49% S=68.50% R/S=0% R=31.01%	204.09 T=11.9 S=192.19 R/S=0 R=0	10 T=2 S=8 R/S=0 R=0	8.95% T=5.83% S=94.17% R/S=0% R=0%	2075.63 T=0 S=1368.63 R/S=0 R=707	19 T=0 S=16 R/S=0 R=3	91.05% T=0% S=65.94% R/S=0% R=34.06%

Appendix 3: List of Native Reserves in the FitzRoy, Omata, Grey, Waiwakaiho and Hua Blocks Brought under the Operation of the Native Reserves Act 1856

Block	Native Reserve	Type of land	Acreage (a:r:p) ⁹⁵²	Acreage (decimal)	Date of gazette notice	Date of publication
Grey	Pt Ararepe NR 2	R	150:0:00	150	14 March 1859	31 May 1858 ⁹⁵³
Fitz	Otumaikuku NR 9	T	8:1:20 ⁹⁵⁴	8. 38	26 May 1859	31 May 1859 ⁹⁵⁵
Grey	Moturoa NR 1	S	200:0:00	200	28 July 1859	8 August 1859 ⁹⁵⁶
Waiw	Waiwakaiho J - Whatapiupiu	R	540:0:00	540	19 January 1860	16 August 1861 ⁹⁵⁷
Fitz	Pipiko NR 8	T	3:3:37	3. 98	19 September 1859	6 November 1861
Fitz	Pukekura NR 12	T	1:2:00	1. 5	22 September 1859	6 November 1861 ⁹⁵⁸
Fitz	Pukenui NR 14	S	14:0:00	14	4 June 1862	6 December 1862
Fitz	Pukewarangi NR 20	S	17:0:00	17	4 June 1862	6 December 1862 ⁹⁵⁹
Fitz	Marangi NR 24	S	0:2:00	0. 5	14 April 1866	15 August 1866
Om	Ruataku NR 6	R	10:0:00	10	14 April 1866	15 August 1866
Grey	Pt Ararepe NR 2	R	200:0:00	200	18 April 1866	15 August 1866
Hua	Hoehoe	S	50:0:00	50	1 August 1866	15 August 1866
Hua	Upokotauaki	S	50:0:00	50	1 August 1866	15 August 1866 ⁹⁶⁰
Grey	Puketotara NR 3	S/R	560:0:00	560	24 November 1866	11 February 1867
Grey	Ratahangae NR 4	S	50:0:00	50	26 November 1866	11 February 1867

⁹⁵² Acreages from Ford, 'Title Histories of the Native Reserves made in the FitzRoy, Grey and Omata Purchases', 1991 and Harris, 'Title Histories of the Native Reserves made in the Bell Block, Tarurutangi, Hua, Cooke's Farm and Waiwakaiho Purchases, 1991.

⁹⁵³ Notice of assent n/d, *New Zealand Gazette*, 1859, No. 16, p 109.

⁹⁵⁴ Ford's figure is incorrect stating more than 40 perches so this figure is taken from 'Return of Native Reserves made in the Cession of Native Territory to the Crown, also, of Crown Grants to be issued to Natives and of Crown Grants already issued', AJHR, 1862, E-10, p 7.

⁹⁵⁵ Notice of assent, 26 May 1859, *New Zealand Gazette*, No. 16, 1859, p 109.

⁹⁵⁶ Notice of assent, 28 July 1859, *New Zealand Gazette*, 1859, No. 27, p 188.

⁹⁵⁷ Notice of assent, 19 January 1860, *New Zealand Gazette*, 1861, No. 38, pp 221 – 222. This notice gives the area of the reserve as 500 acres.

⁹⁵⁸ Notice of assent, 19 September 1859, *New Zealand Gazette*, 1861, No. 47, pp 288 – 289.

⁹⁵⁹ Notice of assent, 4 June 1862, *New Zealand Gazette*, 1862, No. 41, p 357.

⁹⁶⁰ Notice of assent, 14 April 1866, *New Zealand Gazette*, 1866, No. 46, pp 317 – 319.

Block	Native Reserve	Type of land	Acreage (a:r:p) ⁹⁵²	Acreage (decimal)	Date of gazette notice	Date of publication
Fitz	Te Henui NR 15	T	3:0:00	3	26 November 1866	11 February 1867 ⁹⁶¹
Waiw	Waiwakaiho K	R	50:0:00	50	5 April 1867	8 April 1867
Om	Ratapihipihi NR 5	R	371:0:00	371	n/d	8 April 1867 ⁹⁶²
Fitz	Pukaka NR 18	S	28:1:37	28. 48	n/d	1 March 1872
Fitz	Raiomiti NR 23	S	41:0:00	41	n/d	1 March 1872 ⁹⁶³
Waiw	Waiwakaiho C	S	193:2:00	193. 5	20 October 1874	22 October 1874 ⁹⁶⁴
	TOTAL 20			2542. 34		

⁹⁶¹ Notice of assent, 26 November 1866, *New Zealand Gazette*, 1867, No. 9, p 69 – 71.

⁹⁶² Order in Council, 5 April 1867, *New Zealand Gazette*, 1867, No. 21, p 142.

⁹⁶³ Order in Council, *New Zealand Gazette*, No. 11, 1872, p 145.

⁹⁶⁴ Order in Council, *New Zealand Gazette*, No. 55, 1874, p 701.

Appendix 4: A List of Native Reserves in the FitzRoy, Omata, Grey, Waiwakaiho and Hua Blocks Not Brought under the Operation of the Native Reserves Act, 1856

Block	Native Reserve	Type of land	Acreage (a:r:p) ¹	Acreage (decimal)
Fitzroy	Native Reserve 7	S	75:0:00	75
Fitzroy	Native Reserve 10	T	10:0:00	10
Fitzroy	Native Reserve 11	T	1:3:24	1.9
Fitzroy	Native Reserve 13	S	0:2:00	0.5
Fitzroy	Purakau Native Reserve 16	S	15:2:30	15.69
Fitzroy	Pukeweka Native Reserve 17	S	86:0:00	86
Fitzroy	Native Reserve 19	S	4:0:00	4
Fitzroy	Native Reserve 21	S	9:0:00	9
Fitzroy	Native Reserve 22	S	1:0:00	1
Fitzroy	Native Reserve 25	S	1:0:00	1
Hua	Paraiti	S	48:3:11	48.82
Hua	Oropuriri	S	47:2:07	47.54
Hua	Hoewaka	S	49:1:32	49.45
Hua	Tapuirau	S	50:0:00	50
By special arrangement	Manganaha	S	55:0:00	55
By special arrangement	Waiwakaiho/Katere	S	504:3:36	504.98
Waiwakaiho	Purakau – Waiwakaiho A	S	47:2:27	47.67
Waiwakaiho	Raupiu – Waiwakaiho B	S	101:0:10	101.06
Waiw	Waiwakaiho D	S	30:0:00	30
Waiw	Waiwakaiho E	S	76:0:00	76
Waiwakaiho	Waiwakaiho F	S	50:1:16	50.53
Waiwakaiho	Waiwakaiho F _A	S	51:0:00	51
Waiwakaiho	Waiwakaiho G	S	73:3:20	73.88
Waiw	Waiwakaiho H - Whatapiupiu	S	53:0:15	53.09
Waiwakaiho	Waiwakaiho I	S	53:3:05	53.78
Waiwakaiho	Rekereke – Waiwakaiho L	R	193:0:00	193
Waiwakaiho	Araheke – Waiwakaiho M	R	464:0:00	464
Waiwakaiho	Mangorei – Waiwakaiho N	R	50:0:00	50
Waiwakaiho	Te Puia –	S	76:0:00	76

¹ From Ford, 'Title Histories of the Native Reserves made in the FitzRoy, Omata and Grey Purchases, 1991 and Harris, 'Title Histories of the Native Reserves made in the Bell Block, Tarurutangi, Hua, Cooke's Farm and Waiwakaiho Purchases', 1991.

Block	Native Reserve	Type of land	Acreage (a:r:p) ¹	Acreage (decimal)
	Waiwakaiho <i>a</i>			
	TOTAL 29			2279.72
	TOTAL NATIVE 49 RESERVES ALLOCATED			4822.06

Appendix 5: Table Showing the Names of Native Reserves 'Owners' Listed in Gazette Notices Bringing Reserves under the New Zealand Native Reserves Act 1856 and 1866 Army Department Schedule

Document	Moturoa NR 1	Ararepe NR 2	Puketotara NR 3	Ratahangae NR 4	Ratapihipihi NR 5
Gazette Notice	<p>dated 28/7/1859 Poharima [sic] Wikawaho Kataraina Himaima Miriamia Hoera Parepare Wiremu Makoare Paharima Piripi Piripi Mere Flight NZ Gaz 1859 No. 27, 8 /8/1859, p 188.</p>	<p>150 acres, 14/3/1859 Te Reo Waka Wituri Kerementia Neratini Mani Hera Hare Tamati Wiremu Taituha Poharama Hoera Parepare Manihera Kipa Hana Wetere Flight NZ Gaz No. 16, 31/5/1859, p 109.</p> <p>200 acres dated 18/4/1866 Poharama Wi Kawau Piripi Ngahuka Hoera Parepare Mori Kamuaka Wi Makuari Parris NZ Gaz No. 46, 15/8/1866 pp 317 – 318.</p>	<p>dated 24/11/1866 Te Waka Tipene Hone Wetere Paratene Paora Heta Karira Ihaka Te Kauri Emore Tahana Paratene Kuriwhare Parris NZ Gaz No. 9, 11/2/1867, pp 70 – 71.</p>	<p>Dated 26/11/1866 Kipa Manihera Heta Heke Emore Parris NZ Gaz No. 9, 11/2/1867, pp 69 – 70.</p>	<p>No names of owners No agents name NZ Gaz No. 21, 8/4/1867, p 142</p>
Army Department Schedule of Native	"Moturoa Natives under the Chief Poharama".	"200 acres the above Natives [Moturoa	"Henui Natives under the Chief Te Waka many of	"The late Assessor Hone Rophia [sic] of Waiwakaiho	"The late Chief [sic] Eruera & Poruta and

Document	Moturoa NR 1	Ararepe NR 2	Puketotara NR 3	Ratahangae NR 4	Ratapihipihi NR 5
Reserves, 1866, AD 1 1866/61 in RDB Vol. 136 pp 52169 – 52177		Natives under the Chief Poharama] 150 acres Ropata Ngarongomate and brothers. This 150 acres has been sold to Europeans under the Native Reserves Act and Crown Grants from the Govt issued for the same."	whom have been in insurrection against the Govt during the last war."	and his relatives."	their relatives. About 75 acres of this reserve was claimed by rebels."

Documents	Ruataku NR 6	Unknown NR 7	Pipiko NR 8	Otumaikuku NR 9	Unknown NR 10
Gazette Notice	Dated 14/4/1866 Hoera Pirere Parris NZ Gaz No. 46, 15/8/1866, pp 317 – 318.	NONE	Dated 19/9/1859 Manahi More Kepa Ko Wi Patene Poharama Te Whiti Karipa Hoera Parepare Piripi Hoera Pirere Flight NZ Gaz No. 47, 6/11/1861, pp 288 – 289.	Dated 26/5/1859 Poharama Herihana Ko Meri Ripo Piripi Hoera Parepare More Taniora Mori Flight NZ Gaz No. 16, 31/5/1859, p 109.	NONE
Army Department Schedule of Native Reserves, 1866, AD 1 1866/61 in RDB Vol. 136 pp 52169 - 52177	“Manaihi and his two brothers Hoera Piere and Wi Patene. Manaihi and Wi Patene were killed at Sentry Hill. Hoera Piere was wounded.”	“Ropata Ngarongomate Leased to Europeans.”	“Sold to Provincial Govt.”	“Sold to Provincial Govt.”	“Kawau Natives Exchanged for town sections.”

Documents	Pukeikie NR 11	Pukekura NR 12	Unknown NR 13	Pukenui NR 14	Te Henui NR 15
Gazette Notice	NONE	Dated 22/9/1859 Ko Harieta Wright Louisa Wright Kipa Ngamoke Flight NZ Gaz No. 47, 6/11/1861, p 288.	NONE	Dated 4/6/1862 No owners names Flight NZ Gaz No. 41, 6/12/1862, p 357.	Dated 26/11/1866 Kipa Manihera Mere Kipa Parris NZ Gaz No. 9, 11/2/1867, pp 70 – 71.
Army Department Schedule of Native Reserves, 1866, AD 1 1866/61 in RDB Vol. 136 pp 52169 - 52177	"Kawau Natives Exchanged for town sections."	"Harieta daughter of Te Munu. Widow of an old whaler, John Wright."	"Timotu Kekeu. Kileed at Sentry Hill Payment for No. 11."	"Te Henui Natives under Te Waka. Eight of the original owners of this reserve are rebels."	"Te Waro. Let an European."

Documents	Purakau NR 16	Pukeweka NR 17	Pukaka NR 18	Unknown NR 19	Pukewarangi NR 20
Gazette Notice	NONE	NONE	N/d No owners names NZ Gaz No.11, 1/3/1872, p 145.	NONE	Dated 4/6/1862 No owners names Flight NZ Gaz No. 41, 6/12/1862, p 357.
Army Department Schedule of Native Reserves, 1866, AD 1 1866/61 in RDB Vol. 136 pp 52169 – 52177	"Wi Tana, brother of Wi Tako. Wi Tana has been with the Taranaki rebels during the war."	"The old chief Rangī Matatoru and family. This reserve is nothing but sand hills (iron sand)."	"Wi Te Ahoaho and brother and Hemi Poaka. 46:0:37 leased to an European the remainder in occupation of Hemi Poaka."	Not listed	"Kipa and Heta. Part let to an European the remainder in the occupation of Heta."

Documents	Unknown NR 21	Unknown NR 22	Raiomiti NR 23	Marangi NR 24	Unknown NR 25
Gazette Notice	NONE	NONE	n/d No owners names NZ Gaz No.11, 1/3/1872, p 145.	Dated 14/4/1866 Te Waka Parris NZ Gaz No.46, 15/8/1866, pp 317 – 319.	NONE
Army Department Schedule of Native Reserves, 1866, AD 1 1866/61 in RDB Vol. 136 pp 52169 – 52177	“Martin Tupoki and Wi Ropiu [sic Ropiha]. Exchanged for town sections (reserve revested in Mr Richardson).”	“Karira (policeman). This reserve on the farm of the late Mr John Smith who always had possession of it but no consideration was ever paid to Karira for it.”	“Wi Te Ahoaho and brother and Hemi Poaka. 46:0:37 leased to an European the remainder in occupation of Hemi Poaka.”	“Te Waka. This reserve is on Mr Fishleigh’s allotment No. 30. Te Waka consented to sell it and Mr Fishleigh offered £5 for it (its full value) but the last Native Minister as of the opinion that it should be sold by auction supposing I presume that it might fetch a higher price but the probability is it would not fetch much for being an insignificant piece in the centre of a farm no one would be likely to oppose Mr Fishleigh, and he may not bid more than £5 for it and as £5 is the full value of half an acre of country land it would be unfair to wish Mr Fishleigh to pay more and equally unfair to Te Waka to let it be sold for a nominal sum.”	“Rangi Kapuoho deceased. This and several other small claims of Rangi Kapuoho’s were merged in No. 2 reserve, 150 acres of which was given him as compensation.”

Documents	Te Kawau Pa	Te Puia Waiwakaiho a (50:0:0)	Waiwakaiho A (50:0:0)	Raupiu Waiwakaiho B (100:0:0)	C (200:0:0)
Gazette Notice	NONE R 19/43 – Deed of sale, 16 October 1862 Te Waka Poharama Hoera Parepare Mere Tahana Heke Heta Hone Weteri Tipene Unuku Kararaina Pi Kia Timotui Okawa Rawiri Motuere Matiria Matara Kipa Ngamoki Ko Ami Hariata Riha Paani Raretene Watene Hone Tamti Matina Tupoke Wiremu Kawao Pitama te ru ke ki Ihaka Koiha ko te kami Karena teha	NONE	NONE	NONE	NONE

Documents	D (25:0:0)	d (5:0:0)	E (75:0:0)	F (50:0:0)	F1 [F _A] (50:0:0)
Gazette Notice	NONE	NONE	NONE	NONE	NONE
Army Department Schedule of Native Reserves, 1866, AD 1 1866/61 in RDB Vol. 136 pp 52169 – 52177	Rawiri Motutere and Wi Kawao	Ani	“Hopotaia (rebel)”	“Martini Tupoki”	“Wi Tana (rebel)”

Documents	G (75:0:0)	H (50:0:0)	I (50:0:0)	J (500:0:0)	K (50:0:0)
Gazette Notice	NONE	NONE	NONE	NZ Gazette No. 38, 16/8/1861, pp 221 – 222. Dated 19 January 1860 Flight	New Zealand Gazette No. 21, 8/4/1867, p 142. Dated 5/4/1867 Parris?
Army Department Schedule of Native Reserves, 1866, AD 1 1866/61 in RDB Vol. 136 pp 52169 – 52177	“Kirihipu, Herewini”	“Poharama”	“Wi Rophia”	“Wi Tako (Waikanae) Wi Tako wanted to sell in 1861 but the government refused to allow him to do so.”	“More”

Documents	L (193:0:0)	M	N		
Gazette Notice	NONE	NONE	NONE		
Army Department Schedule of Native Reserves, 1866, AD 1 1866/61 in RDB Vol. 136 pp 52169 – 52177	“Wi Te Ahoaho and relatives.”	Not listed	Not listed		

Appendix 6: Statistical Analysis of Native Reserves in the FitzRoy, Omata, Grey, Waiwakaiho and Hua Blocks Sold before 1875

Fate	No. of reserves overall	Acres overall	% total reserves allocated	No. which were FOG reserves	No. of Acres which were FOG reserves	% of acres which were FOG reserves	No. of reserves which were H& W reserves	No. of Acres which were H & W Reserves	% of WH Native Reserves
All or part of the reserve sold	9 T=2 S=6 R/S=0 R=1	248.59 T=12.36 S=186.23 R/S=0 R=50	5.15% T=4.97% S=74.92% R/S=0% R=20.11%	7 T=2 S=4 R/S=0 R=1	167.59 T=12.36 S=105.23 R/S=0 R=50	67.42% T=7.38% S=62.79% R/S=0% R=29.83%	2 T=0 S=2 R/S=0 R=0	81.00 T=0 S=81.00 R/S=0 R=0	32.58% T=0% S=100% R/S=0% R=0%
All or part of the reserve sold/ exchanged/subsumed or taken for military purposes	16 T=4 S=10 R/S=0 R=1	275.99 T=24.26 S=201.73 R/S=0 R=50	5.72% T=8.79% S=73.09% R/S=0% R=18.12%	14 T=4 S=9 R/S=0 R=1	194.99 T=24.26 S=120.73 R/S=0 R=50	70.65% T=12.44% S=61.92% R/S=0% R=25.64%	2 T=0 S=2 R/S=0 R=0	81.00 T=0 S=81.00 R/S=0 R=0	29.35% T=0% S=100% R/S=0% R=0%

Appendix 7: Table Showing Letters Recorded in Maori Affairs Inward Letter Registers and Books sent and received from Taranaki regarding Maori Economic Circumstances

Reference	Date written	Sender	Register note
63/860 in MA 2/5	7 July 1863	R.Parris	"Upwards for 150 natives (exclusive of women and children) will shortly be without means of subsistence."
63/1998 in MA 2/5	26 December 1863	R.Parris	"Has been obliged to issue a small quantity of food to Mahaus people."
65/119 in MA 2/6	18 January 1865	R. Parris	"With a/c for food supplied to Natives in Taranaki."
66/910 in MA 2/7	8 May 1866	CC, Tar [Civil Commissioner, Taranaki]	"The resident Natives wish to know whether the Govt will make provision for the maintenance of those Natives who will attend the Courts &c."
67/315 in MA 2/8	21 December 1866	CC, Tar	"Ropata Ngarongomate wishes to sell some land to pay his debts."
67/841 in MA 2/8	4 June 1867	CC, Tar	"Respecting sale of 150a of land at Waitara that it be effected at once Natives being in want of food."
68/884 in MA 2/8	22 May 1868	CC, Tar	"With a/c for provisions for Southern Island Natives visiting Taranaki."
68/1474 in MA 2/8	3 October 1868	CC, Tar	"The flour and dried fish from Arapawa Natives arrived per Airedale."
68/1475 in MA 2/8	3 September 1868	CC, Tar	"Did not receive the money for Te Teira & starving Chatham Islanders till the 28th Sept not having time before the 1st Oct to pay it away he was obliged to pay it back into the Treasury. Has asked for it again."
70/527 in MA 3/4	17 May 1870	From CC Tar	"Forwards a/c for provisions for Natives."
70/1666 in MA 3/4	30 November 1870	Hon. Native Minister	"Honiana Te Puni to have Dozen of Wine, bag of Rice and bag of sugar."
74/3330 in MA 3/7	22 June 1874	from CC Tar	"With vouchers for £12.18 supplies to Natives."
79/3661 in MA 3/12	25 August 1879	CC Tar [Major Brown]	"Acknowg Circular No.13 - States that an a/c has been running for supplies to Native [sic] - average £7.10 a yr[?]"
80/3857 in MA 3/13	15 November 1880	CC Tar [Major Brown]	"Ref to the destitute Natives that were sent to Hospital"
80/4158 in MA 3/13	21 February 1880	CC Tar [Major Brown]	"With claim £20.16.7 expenses connected with the 3 destitute natives placed in Hospital"
81/4237 in MA 3/14	17 December 1881	R Parris	"With letter from Capt Messenger representing the case of certain Natives in the matter of a want of food."

82/291 in MA 3/15	9 January 1882	W Rennell, Nat Office, NP	"Natives from Waitara to Pukearuhe are short of food but refuse work at prices offered."
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Appendix 8: Table Showing Letters Recorded in Maori Affairs Inward Letter Registers and Books sent and received from Taranaki Regarding Requests for Native Reserves to be sold

Reference	Date written	Sender	Register note
59/400 in MA 2/4 ¹	6 August 1859	Assistant Native Secretary [Taranaki]	"Owners of Reserve No. 2 wish to sell 50 acres of it to the Govt"
59/574 in MA 2/4	18 October 1859	Comm Nat Res, NP	"Natives wish to sell Reserve No. 8"
60/52 in MA 2/4	17 January 1860	Nat Res Comm	"The owners of reserve called Manawawai are desirous of selling the same."
61/352 in MA 2/4	17 May 1861	Comm Nat Res, NP	"More wishes to sell reserve No.9 Otumaikuku"
61/503 in MA 2/4	20 September 1861	Comm Nat Res, NP	"Relative to Wi Tako's reserve at Waiwakaiho which he wishes to sell"
62/452 in MA 2/5	4 June 1862	Comm Nat Res, Taranaki	"Owners of certain reserves wish to sell the same."
62/1091 in MA 2/5	1 December 1862	R. Parris	"Owners of Pukenui Reserve only wish to sell 5 acres thereof."
63/27 in MA 2/5	31 December 1862	R Parris	"Forwards at letter from Ngarongomate relative to a Reserve of 25a which he wishes to sell."
63/80 in MA 2/5	13 January 1863	Comm Nat Res, Taranaki	"Suggests that a certain Native Reserve of ½ an acre be sold to Mr Fishleigh."
63/301 in MA 2/5	26 February 1863	Assistant Native Secretary, Taranaki	"With copy and translation of a letter received from Ropata Ngarongomate."
63/1130 MA 2/5	12 August 1863	R.Parris	"Report on Ngarongomate's letter respecting 25 acres of land inland of the Grey Institution."
64/1679 in MA 2/6	16 September 1864	R. Parris	"The owners of the Pukenui Reserve wish to sell it."
56/1107 in MA 2/6	10 June 1865	Revd J Whiteley	"Regarding a 50 acre section which he wishes to purchase from Hemi Matini."
56/1916 in MA 2/6	9 September 1865	C.C. Taranaki	"Mata Rophia sold 10 acres of land to D. Bishop for £10."
56/1933 in MA 2/6	8 September 1865	C.C. Taranaki	"Reporting on Peter Martin's application to purchase a Reserve for Wi Tana."
67/315 in MA 2/7	21 December 1866	CC, Tar	"Ropata Ngarongomate wishes to sell some land to pay his debts."
67/934 in MA 2/8	21 December 1867	His Hon H.R. Richmond, Taranaki	"None of the sections reserved for Natives have been sold."

68/340 in MA 2/8	19 February 1868	CC, Tar	"Encloses documents bringing No.7 Reserve under the Nat Res Act - Natives wish to sell."
68/952 in MA 2/8	13 June 1868	CC, Tar	"Poharama wishes to sell a portion of No.2 Reserve."
68/1237 in MA 2/8	4 August 1868	CC, Tar	"About Reserve No.7"
68/1279 in MA 2/8	12 August 1868	CC, Tar	"Poharama doesn't want to withdraw his application to sell the portion of No.2 Reserve."
68/1377 in MA 2/8	3 September 1868	CC, Tar	"That Ropata Ngarongomate be allowed to sell No.7 Native Reserve."
68/1813 in MA 2/8	27 November 1868	CC, Tar	"That R. Ngarongomate be allowed to sell No. 7 Reserve."
73/2580 in MA 3/6	6 May 1873	CC Tar	"Application from E.R. Munu to be allowed to sell ½ acre Reserve on Carrington Road."
73/3030 in MA 3/6	29 May 1873	CC Tar	"That the Reserve which Eruera Renata Munu is desirous of selling has not been brought under the Native Res Act."
73/3724 in MA 3/6	7 June 1873	CC Tar	"Reporting on W. Martin's offer to purchase Native Reserve I Waiwakaiho."
75/631 in MA 3/8	11 February 1875	Superintendent, Taranaki	"Provl Govt wish to buy a reserve on Carrington Road."
75/1748 in MA 3/8	15 April 1875	CC Tar	"Re selling a Nat Res belonging to R. Ngarongomate."
75/2242 in MA 3/8	15 April 1875	Ngarongomate, Taranaki,	"Wishes to sell land to pay his debts."

¹ The MA 2/ series (Inward letter registers) and MA 3/ series (Inward letter books) are all that remains of the Maori Affairs correspondence for this period, the letters themselves were destroyed by fire.

Appendix 9: Statistical Analysis of Native Reserves Issued in Crown Grants to Te Atiawa by 1875

Fate	No. of reserves overall	Acres overall	Percentage overall	No. which were FOG reserves	No. of Acres which were FOG reserves	Percent of acres which were FOG reserves	No. of reserves which were H & W reserves	No. of Acres which were H & W Reserves	Percent of H&W Native Reserves
Whole of part issued in a Crown grant to Maori	6 T=0 S=4 R/S=0 R=2	819.22 T=0 S=138.73 R/S=0 R=680.49	16.99% T=0% S=15.39% R/S=0% R=84.61%	5 T=0 S=4 R/S=0 R=1	279.22 T=0 S=138.73 R/S=0 R=140.49	34.08% T=0% S=49.68% R/S=0% R=50.32%	1 T=0 S=0 R/S=0 R=1	540.00 T=0 S=0 R/S=0 R=540	65.92% T=0% S=0% R/S=0% R=100%

Appendix 10: Statistical Analysis of the Management and Usage of Native Reserves of the FitzRoy, Omata, Grey, Waiwakaiho and Hua Blocks

10A. Overall Usage of Native Reserves, 1867

Usage	Total Acres	Total No. of Reserves	% of total acreage	No. which were FOG reserves	No. of Acres which were FOG reserves	% of acreage which were FOG reserves	No. which were WH Reserves	No. of acres which were WH reserves	% of acreage which were WH reserves	Name of Reserves
Wholly Unoccupied	1875 T=1.5 S=279.5 R/S=0 R=1594	9 T=1 S=2 R/S=0 R=6	44% T=0.08% S=14.91% R/S=0% R=85.01%	3 T=1 S=1 R/S=0 R=1	384.5 T=1.5 S=86 R/S=0 R=297	20.51% T=0.39% S=22.37% R/S=0% R=77.24%	6 T=0 S=1 R/S=0 R=5	1490.5 T=0 S=193.5 R/S=0 R=1297	79.49% T=0% S=12.98% R/S=0% R=87.02%	Pt NR 2 – Ararepe NR 12 – Pukekura NR 17 – Pukeweka Waiwakaiho C Waiwakaiho J Waiwakaiho K Rekereke Waiwakaiho L Araheke Waiwakaiho M Mangorei Waiwakaiho N
Wholly occupied by Maori	294.03 T=0 S=294.03 R/S=0 R=0	6 T=0 S=6 R/S=0 R=0	6.90% T=0% S=100% R/S=0% R=0%	0 T=0 S=0 R/S=0 R=0	0 T=0 S=0 R/S=0 R=0	0% T=0% S=0% R/S=0% R=0%	6 T=0 S=6 R/S=0 R=0	294.03 T=0 S=294.03 R/S=0 R=0	100% T=0% S=100% R/S=0% R=0%	Upokotauaki Hoehe Tapuirau Oropuriri Paraiti Purakau Waiwakaiho A

Wholly Leased	494. 92 T=3 S=481. 92 R/S=0 R=0	13 T=1 S=11 R/S=0 R=1	11. 61% T=0. 61% S=97. 37% R/S=0% R=2. 02%	9 T=1 S=7 R/S=0 R=1	263. 17 T=3 S=250.17 R/S=0 R=10	53. 17% T=1. 14% S=96. 16% R/S=0% R=3. 84%	4 T=0 S=4 R/S=0 R=0	231. 75 T=0 S=231. 75 R/S=0 R=0	46. 83% T=0% S=100% R/S=0% R=0%	NR 4 - Ratahangae NR 6 - Ruataku NR 7 NR 14 - Pukenui NR 15 - Te Henui NR 16 - Purakau NR 18 - Pukaka NR 20 - Pukewarangi NR 21 NR 23 - Raiomiti Waiwakaiho F _A Waiwakaiho G Waiwakaiho H Waiwakaiho I
Partly occupied by Maori rest unoccupied	371 T=0 S=0 R/S=0 R=371	1 T=0 S=0 R/S=0 R=1	8. 70% T=0% S=0% R/S=0% R=100%	1 T=0 S=0 R/S=0 R=1	371 T=0 S=0 R/S=0 R=371	100% T=0% S=0% R/S=0% R=100%	0	0	0%	NR 5 - Ratapihipihi
Partly occupied by Maori rest leased	704 T=0 S=144 R/S=560 R=0	2 T=0 S=1 R/S=1 R=0	16. 52% T=0% S=20. 45% R/S=79. 55% R=0%	2 T=0 S=1 R/S=1 R=0	704 T=0 S=144 R/S=560 R=0	100% T=0% S=20. 45% R/S=79.55% R=0%	0	0	0%	Pt NR 1-Moturoa NR 3 - Puketotara
Partly leased rest unknown status	177. 06 T=0 S=177. 06 R/S=0 R=0	2 T=0 S=2 R/S=0 R=0	4. 15% T=0% S=100% R/S=0% R=0%	0	0	0%	2 T=0 S=2 R/S=0 R=0	177. 06 T=0 S=177. 06 R/S=0 R=0	100% T=0% S=100% R/S=0% R=0%	Raupiu Waiwakaiho B Waiwakaiho E

Sold	202. 21 T=12. 36 S=136. 85 R/S=0 R=53	7 T=2 S=4 R/S=0 R=1	4. 74% T=6. 11% S=67. 68% R/S=0% R=26. 21%	5 T=2 S=2 R/S=0 R=1	121. 86 T=12. 36 S=56. 5 R/S=0 R=53	60. 26% T=10. 14% S=46. 36% R/S=0% R=43. 49%	2 T=0 S=2 R/S=0 R=0	80. 35 T=0 S=80. 35 R/S=0 R=0	39. 74% T=0% S=100% R/S=0% R=0%	Pt NR 1 –Moturoa Pt NR 2 - Ararepe NR 8 – Pipiko NR 9 Otumaikuku NR 24 - Marangi Waiwakaiho D Waiwakaiho F
Exchanged	2. 95 T=1. 95 S=1 R/S=0 R=0	2 T=1 S=1 R/S=0 R=0	0. 07% T=66. 10% S=33. 90% R/S=0% R=0%	2 T=1 S=1 R/S=0 R=0	2. 90 T=1. 95 S=1 R/S=0 R=0	100% T=66. 10% S=33. 90% R/S=0 R=0	0	0	0%	NR 11 – Pukeikei NR 25
Taken for military purposes	10 T=10 S=0 R/S=0 R=0	1 T=1 S=0 R/S=0 R=0	0.23% T=100 % S=0% R/S=0% R=0%	1 T=1 S=0 S/R=0 R=0	10 T=10 S=0 S/R=0 R=0	100% T=100% S=0% S/R=0% R=0%	0	0	0%	NR 10
Subsumed	4. 50 T=0 S=4. 50 R/S=0 R=0	2 T=0 S=2 R/S=0 R=0	0. 11% T=0% S=100% R/S=0% R=0%	2 T=0 S=2 S/R=0 R=0	4. 50 T=0 S=4. 50 S/R=0 R=0	100% T=0% S=100% S/R=0% R=0%	0	0	0%	NR 13 NR 19

10B. Overall Usage of all Native Reserves in 1874

Usage	Acreage	No. of Reserves	% of total acreage	No. which were FOG reserves	No. of Acres which were FOG reserves	% which were FOG reserves	No. which were WH Reserves	No. of Acres which were WH reserves	% which were WH reserves	Name of Reserves
Wholly Unoccupied	848 T=1.5 S=86.5 R/S=0 R=760	7 T=1 S=2 R/S=0 R=4	20.52% T=0.18% S=10.20% R/S=0% R=89.62%	4 T=1 S=2 R/S=0 R=1	98 T=1.5 S=86.5 R/S=0 R=10	11.56% T=0.48% S=27.46% R/S=0% R=72.06%	3 T=0 S=0 R/S=0 R=3	750 T=0 S=0 R/S=0 R=750	88.44% T=0% S=0% R/S=0% R=100%	NR 6 – Ruataku NR 12 – Pukekura NR 17 – Pukeweka NR 24 – Marangi Waiwakaiho K Rekereke Waiwakaiho L Araheke Waiwakaiho M
Wholly occupied by Maori	609.75 T=0 S=358 R/S=0 R=251.75	8 T=0 S=6 R/S=0 R=2	14.76% T=0% S=58.71% R/S=0% R=41.29%	1 T=0 S=0 R/S=0 R=1	201.75 T=0 S=0 R/S=0 R=201.75	33.09% T=0% S=0% R/S=0% R=100%	7 T=0 S=6 R/S=0 R=1	408 T=0 S=358 R/S=0 R=50	66.91% T=0% S=87.75% R/S=0% R=12.25%	NR 2 – Ararepe Upokotauaki Hoehoe Tapuirau Hua [Oropuriri and Hoewaka] Paraiti Purakau Waiwakaiho A Mangorei Waiwakaiho N
Wholly Leased	285 T=0 S=285 R/S=0 R=0	3 T=0 S=3 R/S=0 R=0	6.90% T=0% S=100% R/S=0% R=0%	1 T=0 S=1 R/S=0 R=0	15 T=0 S=15 R/S=0 R=0	5.26% T=0% S=100% R/S=0% R=0%	2 T=0 S=2 R/S=0 R=0	270 T=0 S=270 R/S=0 R=0	94.74% T=0% S=100% R/S=0% R=0%	NR 16 – Purakau Waiwakaiho a - Te Puia Waiwakaiho C

Partly occupied by Maori rest leased	794.73 T=0 S=210.73 R/S=584 R=0	4 T=0 S=3 R/S=1 R=0	19.23% T=0% S=26.52% R/S=73.48% R=0%	4 T=0 S=3 R/S=1 R=0	794.73 T=0 S=210.73 R/S=584 R=0	100% T=0% S=26.52% R/S=73.48% R=0%	0	0	0%	NR 1 – Moturoa NR 3 – Puketotara NR 18 – Pukaka NR 23 – Raiomiti
Partly unoccupied rest leased	367 T=0 S=0 R/S=0 R=367	1 T=0 S=0 R/S=0 R=1	8.88% T=0% S=0% R/S=0% R=100%	1 T=0 S=0 R/S=0 R=1	367 T=0 S=0 R/S=0 R=367	100% T=0% S=0% R/S=0% R=100%	0	0	0%	NR 5 – Ratapihiphi
Sold	93.36 T=12.36 S=81 R/S=0 R=0	4 T=2 S=2 R/S=0 R=0	2.26% T=13.24% S=86.76% R/S=0% R=0%	2 T=2 S=0 R/S=0 R=0	12.36 T=12.36 S=0 R/S=0 R=0	13.24% T=100% S=0% R/S=0% R=0%	2 T=0 S=2 R/S=0 R=0	81.00 T=0 S=81.00 R/S=0 R=0	86.76% T=0% S=100% R/S=0% R=0%	NR 8 – Pipiko NR 9 – Otumaikuku Waiwakaiho D Waiwakaiho F _A
Exchanged	2.90 T=1.90 S=1 R/S=0 R=0	2 T=1 S=1 R/S=0 R=0	0.07% T=65.56% S=34.48% R/S=0% R=0%	2 T=1 S=1 R/S=0 R=0	2.90 T=1.90 S=1 R/S=0 R=0	100% T=65.56% S=34.48% R/S=0% R=0%	0	0	0%	NR 11 – Pukeikei NR 25

10C. Native Reserves vested in the Crown in 1867

Usage	Acreage	No. of Reserves	% of total acreage	No. which were FOG reserves	No. of acres which were FOG reserves	% which were FOG reserves	No. which were WH Reserves	No. of acres which were WH reserves	% which were WH reserves	Name of Reserves
Wholly Unoccupied	888.5 T=1.5 S=0 R/S=0 R=887	4 T=1 S=0 R/S=0 R=3	36.14% T=0.17% S=0% R/S=0% R=99.83%	2 T=1 S=0 R/S=0 R=1	298.5 T=1.5 S=0 R/S=0 R=297	33.60% T=0.50% S=0% R/S=0% R=99.50%	2 T=0 S=0 R/S=0 R=2	590 T=0 S=0 R/S=0 R=590	66.40% T=0% S=0% R/S=0% R=100%	NR 2 – Ararepe NR 12 – Pukekura Waiwakaiho J Waiwakaiho K
Wholly occupied by Maori	100 T=0 S=100 R/S=0 R=0	2 T=0 S=2 R/S=0 R=0	4.07% T=0% S=100% R/S=0% R=0%	0	0	0%	2 T=0 S=2 R/S=0 R=0	100 T=0 S=100 R/S=0 R=0	100% T=0% S=100% R/S=0% R=0%	Upokotauaki Hoehoe
Wholly Leased	147.09 T=3 S=134.09 R/S=0 R=10	6 T=1 S=4 R/S=0 R=1	5.98% T=2.04% S=91.16% R/S=0% R=6.80%	5 T=1 S=3 R/S=0 R=1	94.0 T=3 S=81 R/S=0 R=10	63.91% T=3.19% S=86.17% R/S=0% R=10.64%	1 T=0 S=1 R/S=0 R=0	53.09 T=0 S=53.09 R/S=0 R=0	36.09% T=0% S=100% R/S=0% R=0%	NR 4 – Ratahangae NR 6 – Ruataku NR 14 – Pukenui NR 15 – Te Henui NR 20 – Pukewarangi Waiwakaiho H

Partly occupied by Maori and rest unoccupied	371 T=0 S=0 R/S=0 R=371	1 T=0 S=0 R/S=0 R=1	15.09% T=0% S=0% R/S=0% R=100%	1 T=0 S=0 R/S=0 R=1	371 T=0 S=0 R/S=0 R=371	100% T=0% S=0% R/S=0% R=100%	0	0	0%	NR 5 – Ratapihipihi
Partly leased and rest status unknown	76 T=0 S=76 R/S=0 R=0	1 T=0 S=1 R/S=0 R=0	3.09% T=0% S=100% R/S=0% R=0%	0	0	0%	1 T=0 S=1 R/S=0 R=0	76 T=0 S=76 R/S=0 R=0	100% T=0% S=100% R/S=0% R=0%	Waiwakaiho E
Partly occupied by Maori/rest leased	704 T=0 S=144 R/S=560 R=0	2 T=0 S=1 R/S=1 R=0	28.64% T=0% S=20.45% R/S=79.55% R=0%	2 T=0 S=1 S/R=1 R=0	704 T=0 S=144 S/R=560 R=0	100% T=0% S=20.45% S/R=79.55% R=0%	0	0	0%	Pt NR 1 – Moturoa NR 3 - Puketotara
Sold	171.86 T=12.36 S=106.5 R/S=0 R=53	6 T=2 S=3 R/S=0 R=1	6.99% T=7.19% S=61.97% R/S=0% R=30.84%	5 T=2 S=2 S/R=0 R=1	121.86 T=12.36 S=56.5 S/R=0 R=53	70.91% T=10.14% S=46.37% S/R=0% R=43.49%	1 T=0 S=1 R/S=0 R=0	50 T=0 S=50 R/S=0 R=0	29.10% T=0 S=100% R/S=0 R=0	Pt NR 1 – Moturoa Pt NR 2 – Ararepe NR 8 – Pipiko NR 9 – Otumaikuku NR 24 - Marangi Waiwakaiho D
Exchanged	0	0	0%	0	0	0%	0	0	0%	None
Taken for military purposes	0	0	0%	0	0	0%	0	0	0%	None
Subsumed	0	0	0%	0	0	0%	0	0	0%	None

10D. Native Reserves vested in Maori in 1867

Usage	Acreage	No. of Reserves	% of total acreage	No. which were FOG reserves	No. of acres which were FOG reserves	% which were FOG reserves	No. which were WH Reserves	No. of acres which were WH reserves	% which were WH reserves	Name of Reserves
Wholly Unoccupied	1529 T=0 S=286 R/S=0 R=1243	6 T=0 S=2 R/S=0 R=4	62. 51% T=0% S=18. 71% R/S=0% R=81. 29%	1 T=0 S=1 R/S=0 R=0	86 T=0 S=86 R/S=0 R=0	5. 62% T=0% S=100% R/S=0% R=0%	5 T=0 S=1 R/S=0 R=4	1443 T=0 S=200 R/S=0 R=1243	94. 38% T=0% S=13. 86% R/S=0% R=86. 14%	NR 17 – Pukeweka Waiwakaiho C Whatapiupiu Waiwakaiho J Rekereke Waiwakaiho L Araheke Waiwakaiho M Mangorei Waiwakaiho N
Wholly occupied by Maori	300 T=0 S=300 R/S=0 R=0	5 T=0 S=5 R/S=0 R=0	12. 27% T=0% S=100% R/S=0% R=0%	1 T=0 S=1 R/S=0 R=0	50 T=0 S=50 R/S=0 R=0	16. 67% T=0% S=100% R/S=0% R=0%	4 T=0 S=4 R/S=0 R=0	250 T=0 S=250 R/S=0 R=0	83. 33% T=0% S=100% R/S=0% R=0%	NR 4 – Ratahangae Tapuirau Oropuriri Paraiti Purakau Waiwakaiho A
Wholly Leased	246. 64 T=0 S=246. 64 R/S=0 R=0	7 T=0 S=7 R/S=0 R=0	10. 08% T=0% S=100% R/S=0% R=0%	4 T=0 S=4 R/S=0 R=0	67. 98 T=0 S=67. 98 R/S=0 R=0	27. 56% T=0% S=100% R/S=0% R=0%	3 T=0 S=3 R/S=0 R=0	178. 66 T=0 S=178. 66 R/S=0 R=0	72. 44% T=0% S=100% R/S=0% R=0%	NR 16 – Purakau NR 18 – Pukaka NR 21 NR 23 – Raiomiti Waiwakaiho F _A Waiwakaiho G Waiwakaiho I

Partly leased, rest unknown status	101.06 T=0 S=101.06 R/S=0 R=0	1 T=0 S=1 R/S=0 R=0	4.13% T=0% S=100% R/S=0% R=0%	0	0	0%	1 T=0 S=1 R/S=0 R=0	101.06 T=0 S=101.06 R/S=0 R=0	100% T=0% S=10% R/S=0% R=0%	Raupiu Waiwakaiho B
Partly occupied by Maori the rest leased	75 T=0 S=75 R/S=0 R=0	1 T=0 S=1 R/S=0 R=0	3.07% T=0% S=100% R/S=0% R=0%	1 T=0 S=1 R/S=0 R=0	75 T=0 S=75 R/S=0 R=0	100% T=0% S=100% R/S=0% R=0%	0	0	0%	NR 7
Burial Ground	0.0125 T=0 S=0.0125 R/S=0 R=0	1 T=0 S=1 R/S=0 R=0	0.00051% T=0% S=100% R/S=0% R=0%	0	0	0%	1 T=0 S=1 R/S=0 R=0	0.0125 T=0 S=0.0125 R/S=0 R=0	100% T=0% S=100% R/S=0% R=0%	Huira
Subsumed into settler sections	4.50 T=0 S=4.50 R/S=0 R=0	2 T=0 S=2 R/S=0 R=0	0.18% T=0% S=100% R/S=0% R=0%	2 T=0 S=2 R/S=0 R=0	4.50 T=0 S=4.50 R/S=0 R=0	100% T=0% S=100% R/S=0% R=0%	0	0	0%	NR 13 NR 19

10E. Reserves vested in the Crown 1874

Usage	Acreage	No. of Reserves	% of total acreage	No. which were FOG reserves	No. of acres which were FOG reserves	% which were FOG reserves	No. which were WH Reserves	No. of acres which were WH reserves	% which were WH reserves	Name of Reserves
Wholly Unoccupied	60.5 T=0 S=0.5 R/S=0 R=60	3 T=0 S=1 R/S=0 R=2	2.60% T=0% S=0.83% R/S=0% R=99.17%	2 T=0 S=1 R/S=0 R=1	10.5 T=0 S=0.5 R/S=0 R=10	17.36% T=0% S=4.76% R/S=0% R=95.24%	1 T=0 S=0 R/S=0 R=1	50 T=0 S=0 R/S=0 R=50	82.64% T=0% S=0% R/S=0% R=100%	NR 6 – Ruataku NR 24 – Marangi Waiwakaiho K
Wholly occupied by Maori	306.75 T=0 S=105 R/S=0 R=201.75	3 T=0 S=2 R/S=0 R=1	13.20% T=0% S=34.23% R/S=0% R=65.77%	1 T=0 S=0 R/S=0 R=1	201.75 T=0 S=0 R/S=0 R=201.75	65.77% T=0% S=0% R/S=0% R=100%	2 T=0 S=2 R/S=0 R=0	105 T=0 S=105 R/S=0 R=0	34.23% T=0% S=100% R/S=0% R=0%	NR 2 – Ararepe Upokotauaki Hoehoe
Wholly Leased	0	0	0%	0	0	0%	0	0	0%	None
Partly occupied by Maori and rest leased	794.73 T=0 S=210.73 R/S=584 R=0	4 T=0 S=3 R/S=1 R=0	34.19% T=0% S=26.52% R/S=73.48% R=0%	4 T=0 S=3 R/S=1 R=0	794.73 T=0 S=210.73 R/S=584 R=0	100% T=0% S=26.55% R/S=73.48% R=0%	0	0	0%	NR 1 – Moturoa NR 3 – Puketotara NR 18 – Pukaka NR 23 – Raiomiti

10F. Reserves vested in Maori 1874

Usage	Acreage	No. of Reserves	No. of total acreage	No. which are FOG reserves	No. of acres which were FOG reserves	% which are FOG reserves	No. which are WH reserves	No. of acres which were WH reserves	% which area WH reserves	Name of Reserves
Unoccupied	787.5 T=1.5 S=86 R/S=0 R=700	4 T=1 S=1 R/S=0 R=2	37.46% T=0.19% S=10.92% R/S=0% R=88.89%	2 T=1 S=1 R/S=0 R=0	87.5 T=1.5 S=86 R/S=0 R=0	11.11% T=1.71% S=98.29% R/S=0% R=0%	2 T=0 S=0 R/S=0 R=2	700 T=0 S=0 R/S=0 R=700	88.88% T=0% S=0% R/S=0% R=100%	NR 12 – Pukekura NR 17 – Pukeweka Rekereke Waiwakaiho L Araheke Waiwakaiho M
Wholly occupied by Maori	303 T=0 S=253 R/S=0 R=50	5 T=0 S=4 R/S=0 R=1	14.41% T=0% S=83.50% R/S=0% R=16.50%	0	0	0%	5 T=0 S=4 R/S=0 R=1	303 T=0 S=253 R/S=0 R=50	100% T=0% S=83.50% R/S=0% R=16.50%	Purakau Waiwakaiho A Mangorei Waiwakaiho N Tapuirau Hua Paraiti
Wholly Leased	285 T=0 S=285 R/S=0 R=0	3 T=0 S=3 R/S=0 R=0	13.56% T=0% S=100% R/S=0% R=0%	1 T=0 S=1 R/S=0 R=0	15 T=0 S=15 R/S=0 R=0	5.26% T=0% S=100% R/S=0% R=0%	2 T=0 S=2 R/S=0 R=0	270 T=0 S=270 R/S=0 R=0	94.74% T=0% S=100% R/S=0% R=0%	NR 16 – Purakua Waiwakaiho a – Te Puia Waiwakaiho C

Usage	Acreage	No. of Reserves	No. of total acreage	No. which are FOG reserves	No. of acres which were FOG reserves	% which are FOG reserves	No. which are WH reserves	No. of acres which were WH reserves	% which area WH reserves	Name of Reserves
Exchanged	2.90 T=1.90 S=1 R/S=0 R=0	2 T=1 S=1 R/S=0 R=0	0.14% T=65.56% S=34.48% R/S=0% R=0%	2 T=1 S=1 R/S=0 R=0	2.90 T=1.90 S=1 R/S=0 R=0	100% T=65.56% S=34.48% R/S=0% R=0%	0	0	0%	NR 11 – Pukeikei NR 25
Taken for military purposes	10 T=10 S=0 R/S=0 R=0	1 T=1 S=0 R/S=0 R=0	0.48% T=100% S=0% R/S=0% R=0%	1 T=1 S=0 S/R=0 R=0	10 T=10 S=0 S/R=0 R=0	100% T=100% S=0% S/R=0% R=0%	0	0	0%	NR 10
Subsumed	14.50 T=0 S=14.50 R/S=0 R=0	4 T=0 S=4 R/S=0 R=0	0.69% T=0% S=100% R/S=0% R=0%	4 T=0 S=4 S/R=0 R=0	14.50 T=0 S=14.50 S/R=0 R=0	100% T=0% S=100% S/R=0% R=0%	0	0	0%	NR 13 NR 19 NR 21 NR 22
Sold	30 T=0 S=30 R/S=0 R=0	1 T=0 S=1 R/S=0 R=0	1.43% T=0% S=100% R/S=0% R=0%	0	0	0%	1 T=0 S=30 R/S=0 R=0	30 T=0 S=30 R/S=0 R=0	100% T=0% S=100% R/S=0% R=0%	Waiwakaiho D

Bibliography

Primary Sources

I. Unpublished official records (all held at Archives New Zealand, Wellington)

1. ARMY DEPARTMENT (AD)

AD 1 Inward Letter and Registered Files, Colonial Defence Office (1863-1872), Militia and Volunteers (1870 – 1879), Defence Office (1879 – 1912), Defence Department Registered Files (1912 -)

2. CIVIL SECRETARY'S DEPARTMENT (CS)

CS 1 Inward Correspondence (August 1848 – November 1854)

4. DEPARTMENT OF INTERNAL AFFAIRS (IA)

IA 1 Head Office, Registered Files (1840 -)

5. NEW ZEALAND COMPANY (NZC)

NZC 3 Inward Dispatches of the Principal Agent, Wellington

NZC 105 New Zealand Company Correspondence concerning New Plymouth

NZC 308 General Inward Correspondence to the Resident Agent, New Plymouth

6. DEPARTMENT OF JUSTICE – NEW PLYMOUTH (JC-NP)

JC-NP 53/3 New Plymouth Resident Magistrates' Letterbook

7. MAORI AFFAIRS DEPARTMENT (MA)

MA 2 Inward Letter Registers, 1850 – 1869

MA 3 Inward Letter Register Indexes, 1873 – 1883

MA 4 Outward Letterbooks, 1840 - 1880

MA 24 Miscellaneous Papers

7. MAORI AFFAIRS – MAORI LAND PURCHASE DEPARTMENT (MA-MLP)

MA-MLP-NP 1 Outward Letter Book, 1846 – 1863.

MA-MLP 1 Native Land Purchase Department Registry Papers

8. MAORI AFFAIRS - MAORI TRUSTEES DEPARTMENT (MA-MT)

MA-MT 1 Maori Trust Office Registry Papers

MA-MT 6 Native Reserves Papers

9. TREASURY (T)

T 1 Inward Letters and Registered Files, 1840 - 1913

II. Unpublished Private Papers

1. FREDERICK ALONZO CARRINGTON (MACMILLAN BROWN LIBRARY, UNIVERSITY OF CANTERBURY, CHRISTCHURCH)

Carrington, Frederic Alonzo, Copy of the Journal also Official and other Letters of Fred. A. Carrington, Principal Surveyor, New Plymouth, Typescript.

2. HUA FORT DIARIES (PUKEARIKI LIBRARY ARCHIVE, NEW PLYMOUTH)

Hua Fort Diary, Vol. 1 (1860 – 1861).

3. DONALD MCLEAN (ALEXANDER TURNBULL LIBRARY, WELLINGTON)

Miscellaneous Manuscript Papers

Letter books, Protector of Aborigines, Taranaki, 1844: qMS-1192.

Letter book – Private Correspondence, 1854 – 57: qMS-1194.

Letters and Native Correspondence, 1846 – 47: qMS-1205.

Diaries, box 1, 1846 – 1847.

Manuscript Papers (MS-Papers-0032)

Inward Official Correspondence

Secretary, Native Department (1856 – 1859): MS-Papers-0032-0009.

Inspector of Police Taranaki, (1846-56): MS-Papers-0032-0126.

Inward Private Correspondence:

MS-Papers-0032-0178 (Charles Brown)

MS-Papers-0032-0227 (G S Cooper)

MS-Papers-0032-0239 (G Cutfield)

MS-Papers-0032-0276 (J Flight)

MS-Papers-0032-0312 (H Halse)

MS-Papers-0032-0318 (W Halse)

MS-Papers-0032-0374 (Henry King)

MS-Papers-0032-0540 (John Rogan)

MS-Papers-0032-0634 (J Whiteley)

4. ANDREW SINCLAIR MANUSCRIPT PAPERS (ALEXANDER TURNBULL LIBRARY, WELLINGTON)

MS-Papers-1947

5. REVEREND JOHN WHITELEY (PUKEARIKI LIBRARY ARCHIVE, NEW PLYMOUTH).

Journal of Reverend John Whiteley, manuscript

6. WESLEYAN MISSIONARY SOCIETY PAPERS (ALEXANDER TURNBULL LIBRARY, WELLINGTON)
qMS-2178 (Letters of the Wesleyan Missionary Society missionaries in New Zealand)

III. Unpublished Land Title Records

1. PROBATES AND CONVEYANCES (LAND TRANSFER OFFICE, NEW PLYMOUTH)
R2/91, Probate of John Wright, 21 March 1859.
R11/411 Conveyance of part Native Reserve 23 to Daniel Bishop of Hua on 15 November 1872.
R12/823 Conveyance of Native Reserve No. 7 to J Veale on 29 September 1875.
2. CROWN GRANTS AND PURCHASE DEEDS (LAND TRANSFER OFFICE, NEW PLYMOUTH)
R 3/299 Crown Grant to John Dingle for part Ararepe Native Reserve No. 2, 20 June 1862.
R 19/43 Purchase Deed for Te Kawau Pa, 16 October 1862.
G8/129 Crown Grant to Wiremu Tako Ngatata for Whatapiupiu Waiwakaiho J, 18 August 1866.
G10/364, Crown Grant to Wi Te Ahoaho for parts Native Reserves No. 18 and No. 23, 2 December 1872.
G12/17, Crown Grant to Ropata Ngarongomate, Ihaia Porutu, Henare Piti Porutu and Wiremu Rangiawhio Porutu for part Ararepe Native Reserve No. 2, n/d.
G13/180, Crown Grant to Ropata Ngarongomate for Native Reserve No. 7, 30 October 1877.
3. CERTIFICATE OF TITLE (LAND TRANSFER OFFICE, NEW PLYMOUTH)
CT 1/333 Certificate of title to Wi Tako, Wi Tana and Ngapei Ngatata for Purakau Native reserve No. 16, n/d.
4. WORKING FILES (LAND INFORMATION NEW ZEALAND, NEW PLYMOUTH)
LS 20/19/15 Pukeariki Pa file Vol. 1.
5. MAPS AND PLANS (LAND INFORMATION NEW ZEALAND, NEW PLYMOUTH)
Working plan 67/7, n/d
MLC 241 dated 1892
T 7, dated 1844
TR 3, dated 1844
TR 7, dated 1844
6. MAPS AND PLANS (ALEXANDER TURNBULL LIBRARY, WELLINGTON)
MapColl 832.2gbbd/[1848]/Acc.2797 sketch of sections and Maori reserves in Hua Block, near the Waiwakaiho River, Taranaki [ms map] [1884]

MapColl 832.295gbbd/186-?/Acc.3308 New Plymouth street plan [ms map]
 MapColl 832.295bje/1859/Acc.23000 'Town of New Plymouth', signed by Octavius
 Carrington 22 March 1859

7. SURVEYORS FIELD NOTEBOOKS (LAND INFORMATION NEW ZEALAND, NEW PLYMOUTH)
 FBK I 10, n/d
 FBK P 137, n/d (c. 1889 – 1891)

8. NATIVE LAND COURT MINUTE BOOKS (AOTEA DISTRICT MAORI LAND COURT, WANGANUI)
 Taranaki Native Land Court minute book 3, 1887

IV. Other Unpublished Records

Methodist deaths, card index (New Plymouth Genealogical Society Library, New Plymouth)
 Wesleyan Maori Baptisms: Copied from Mr Fred Butler (New Plymouth Genealogical Society
 Library, New Plymouth)
 Research file 'Ruataku Native Reserve No. 6' (Te Atiawa Tribal Council, New Plymouth)
 Taranaki Harbour Board Minutes, July 1935 (Westgate Technical Services Archive,
 New Plymouth).

V. Official Publications

1. *APPENDICES TO THE JOURNALS OF THE HOUSE OF REPRESENTATIVES*, 1858 – 1880
2. *APPENDICES TO THE JOURNALS OF THE LEGISLATIVE COUNCIL*, 1862 – 1900
3. *NEW ZEALAND PARLIAMENTARY DEBATES*, 1856 – 1862
4. *NEW ZEALAND GOVERNMENT GAZETTE*, 1858 – 1874
5. *TARANAKI PROVINCIAL GAZETTE*, 1855 – 1870
6. *STATISTICS OF NEW ZEALAND*, 1869
7. *BRITISH PARLIAMENTARY PAPERS: COLONIES OF NEW ZEALAND* (17 VOLS), SHANNON, IRISH
 UNIVERSITY PRESS, 1968 – 69), VOLUMES 2 – 15.

VI. Statutes

British Statutes

The New Zealand Constitution Act 1852, 15 & 16 Victoria, c.72 Chapter LXXII, 30 June 1852 in
*The Statutes of the United Kingdom of Great Britain and Ireland: with notes, references and an
 index*, A.D. 1852, pp 356 – 371.

A.D. 1877, Colonial Fortifications Act, 40 & 41 Vict. c. 23, in *Great Britain Laws, Statutes. Etc, The Statutes: Revised Edition* Vol. XVIII, 39 & 40 Vict to 41 & 42 Vict A.D. 1876 – 1878.

New Zealand Statutes and Ordinances

The Ordinances of the Province of Taranaki (formerly New Plymouth), Session I, 1953-54 to Session XIV, 1865 – 66, to which are added the Land Regulations of the Province and the Imperial Acts, relating to the Constitution of New Zealand, printed under the authority of the Government of the Province of Taranaki, by G.W. Woon, New Plymouth, 1867.

The Native Land Purchase Ordinance, 1846, *The Ordinances of the Legislative Council of New Zealand and of the Legislative Council of the Province of New Munster, 1841 – 1853*, Government Printer, Wellington, 1871.

The New Zealand Native Reserves Act 1856, No. 10.

The Native Reserves Amendment Act 1862, No. 14.

Crown Grants Act No. 2, 1862, No. 18.

The New Zealand Settlements Act, 1863, No.8.

The Native Rights Act 1865, No. 11.

The Native Lands Act 1865, No. 71

The Native Lands Act 1867, No. 43

VII. New Zealand Case Law (New Zealand Law Reports)

Te Pohe Mokoare v Davy and the Public Trustee [1896] 14 NZLR 533 –537.

In re Purakau Block [1898] 16 NZLR 507 – 508.

VIII. Compendiums, Databanks and Directories

1. RAUPATU DOCUMENT BANK

Raupatu Document Bank, Waitangi Tribunal, Department of Justice, Wellington, 1990, Volumes 112, 113 and 136.

2. TURTON, H H, *AN EPITOME OF OFFICIAL DOCUMENTS RELATING TO NATIVE AFFAIRS AND LAND PURCHASES IN THE NORTH ISLAND OF NEW ZEALAND*, 1883, microfilm edition published by Alexander Turnbull Library, Wellington, n/d.

A – Official Correspondence in reference to Native Affairs in the North Island of the Colony of New Zealand.

D – Official Documents in reference to Native Reserves.

3. TURTON, H H, *MAORI DEEDS OF OLD PRIVATE LAND PURCHASES IN NEW ZEALAND, 1815 – 1840, WITH PRE-EMPTIVE AND OTHER CLAIMS ... TOGETHER WITH A LIST OF THE OLD LAND CLAIMS*, 1882, microfiche edition published by Alexander Turnbull Library, Wellington, n/d.

4. TURTON, H H, *PURCHASE DEEDS OF LAND PURCHASES OF THE NORTH ISLAND OF NEW ZEALAND*,

VOLUME II, PROVINCES OF TARANAKI, WELLINGTON AND HAWKES BAY, 1878, microfilm edition published by Alexander Turnbull Library, Wellington, n/d.

5. TURTON, H H, *PLANS OF LAND PURCHASES IN THE NORTH ISLAND OF NEW ZEALAND, VOL. II, PROVINCES OF TARANAKI, WELLINGTON AND HAWKES BAY*, 1878, microfilm edition published by Alexander Turnbull Library, Wellington, n/d.

6. OTHER

Taranaki Crown Grants: An Index to Land Records, microfilm compiled by Noeline Carey, New Zealand Society of Genealogists, Auckland, New Zealand, c. 1991.

The Taranaki Almanac and Official Directory, compiled and published for the proprietor of the "Taranaki Herald" by W H J Seffern, Devon Street, New Plymouth, 1869.

The Taranaki Almanac and Official Directory, compiled and published for the proprietor of the "Taranaki Herald" by W H J Seffern, Devon Street, New Plymouth, 1880.

IX. Published Letters and Diaries

McIntyre, David W (ed), *The Journal of Henry Sewell, 1853 – 1857* (2 vols), Whitcoulls Publishing, Christchurch, 1980.

Scholefield, G H (ed), *The Richmond-Atkinson Papers* (2 vols.), Government Printer, Wellington 1960.

X. New Zealand Company Reports

The Fifth Report of the Directors of the New Zealand Company presented to Annual Court of Proprietors, London, 31 May 1842.

The Seventh Report of the Directors of the New Zealand Company presented to the Annual Court of Proprietors, London, 30th May 1843, printed by Johnston and Barrett, London, 1843.

The Twelfth Report of the Directors of the New Zealand Company, London, 1844.

The Fifteenth Report of the Directors of the New Zealand Company, London.

The Seventeenth Report of the Court of Directors of the New Zealand Company, London.

XI. Newspapers

The Evening Post, Wellington, 25 March 1896.

The Nelson Examiner, 13 March 1847.

The New Zealander, 28 June 1856.

The Taranaki Herald, 1852 - 1866.

XII. Other

Wesleyan Mission Society Reports: New Plymouth Circuit, November 1856,

Wesleyan Mission Society Reports 1856 – 1863, ATL, Wellington.

Secondary Sources

1. Books

Adams, Peter, *Fatal Necessity: British Intervention in New Zealand, 1830 – 1847*, Auckland University Press, Auckland, 1977.

Arnold, Rollo, *New Zealand's Burning: The Settlers' World in the Mid 1880s*, Victoria University Press, Wellington, 1994.

Ballara, Angela, *Taua: 'Musket wars', 'Land Wars' or Tikanga? Warfare in Maori Society in the Early Nineteenth Century*, Penguin Books, Auckland, 2003.

Belich, James, *The Victorian Interpretation of Racial Conflict: The Maori, the British, and the New Zealand Wars*, McGill-Queen's University Press, Montreal and Kingston, London and Buffalo, 1986.

Belich, James, *Making Peoples: A History of the New Zealanders from Polynesian Settlement of the Nineteenth Century*, Penguin Books, Auckland, 1996.

Brazendale, Graham, *John Whiteley: Land Sovereignty and the Land Wars of the 19th Century*, Wesleyan Historical Society of New Zealand, Orewa, New Zealand, 1996.

Burns, Patricia, *Fatal Success: A History of the New Zealand Company*, Heinemann Reed, Auckland, 1989.

Byrnes, Giselle, *Boundary Markers: Land Surveying and the Colonisation of New Zealand*, Bridget Williams Books, Wellington, 2001.

Butterworth, G V and Butterworth, S M, *The Maori Trustee*, Wellington, 1991.

Carter, George Gilmour, *John Whiteley: Missionary Martyr*, Wesleyan Historical Society, Auckland, 1955.

Caughey, Angela, *The Interpreter: The Biography of Richard 'Dicky' Barrett*, David Bateman, Auckland, 1998.

Chambers, W A, *Samuel Ironside in New Zealand, 1839 – 1858*, Ray Richards/Wesleyan Historical Society, Auckland, 1982.

Cowan, James, *The New Zealand Wars: A History of the Maori Campaigns and the Pioneering Period*, Vol. 1, Government Print, 1983 (reprint).

Dalley, Bronwyn and Phillips, Jock (eds), *Going Public: The Changing Face of New Zealand History*, Auckland University Press, Auckland, 2001.

Dalton, B J, *War and Politics in New Zealand, 1855 – 1870*, Sydney University Press, Sydney, 1967.

Dieffenbach, Ernest, *Travels in New Zealand: With Contributions to the Geography, Geology, Botany, and Natural History of that Country*, John Murray, London, 1843.

FitzRoy, Governor Robert, *Remarks on New Zealand in February 1846*, W and H White, London, 1846.

Fry, Margot, *Tom's Letters: The Private World of Thomas King, Victorian Gentleman*, Victoria University Press, Wellington, 2001.

Gudgeon, T W, *The Defenders of New Zealand being a Short Biography of Colonists who Distinguished themselves in Upholding Her Majesty's Supremacy in these Islands*, H Brett, Auckland, 1887.

Hutt, Marten, *Te Iwi Maori me te inu Waipiro: He Tuhituhinga Hitori - Maori & Alcohol: A History*, Health Services Research Centre/ ALAC, Wellington, 1999.

Jellicoe, Roland L, *The New Zealand Company's Native Reserves*, published under the authority of The Hon Sir Apirana T Ngata, MA, LLB, Minister in Charge, Native Trust Office, Wellington, 1929.

Kawharu, Ian Hugh, *Maori Land Tenure: Studies in a Changing Institution*, Clarendon Press, Oxford [Eng.] and New York, 1977.

McLean, Sally *A History of the Ngamotu Mission and the Grey Institute Trust*, 1992.

McHugh, Paul, *The Maori Magna Carta: New Zealand Law and the Treaty of Waitangi*, Oxford University Press, Auckland, 1991.

Marais, J S, *The Colonisation of New Zealand*, Dawsons of Pall Mall, London, 1968.

Mellor, George Radcliffe, *British Imperial Trusteeship, 1783-1850*, Faber and Faber, London, 1951.

Morrell, W P, *British Colonial Policy in the Age of Peel and Russell*, Clarendon Press, Oxford [Oxfordshire], 1930.

Oliver, W H and Williams, B R (eds), *The Oxford History of New Zealand*, Oxford University Press, Wellington, 1981.

Orange, Claudia *The Treaty of Waitangi*, Allen & Unwin Port Nicholson Press with assistance from the Historical Branch of the Department of Internal Affairs, Wellington, 1987.

Prickett, Nigel, *Maori and Pakeha Fortifications of the First Taranaki War, 1860 – 61*, Records of the Auckland Institute and Museum, Vol. 31, 1994, pp 1 – 87.

Rusden, G W, *History of New Zealand*, Chapman and Hall and G. Robertson, London and Melbourne, 1883, 3 vols.

Scanlan, Brian, *Taranaki People and Places*, published by the author and printed by Thomas Avery and Sons, New Plymouth, 1985.

Scott, Dick *Ask That Mountain: The Story of Parihaka*, 1975 rep by Reed/Southern Cross Books, 1994.

Smith, Percy, *History and Traditions of the Maoris of the West Coast North Island of New Zealand Prior to 1840*, Polynesian Society printed by Thomas Avery, New Plymouth, 1910, reprinted by Capper Press, Christchurch, 1984.

Spoonley, Paul, *Racism and Ethnicity*, 2nd Ed., Oxford University Press, Auckland, 1993.

Tullet, J S, *The Industrious Heart: A History of New Plymouth*, New Plymouth City Council, New Plymouth, 1981.

Wakefield, Edward Jerningham, *Adventure in New Zealand, from 1839 to 1844: With Some Account of the Beginning of the British Colonization of the Islands*, John Murray, London, 1845.

Ward, Alan, *A Show of Justice: Racial Amalgamation in Nineteenth Century New Zealand*, Auckland University Press, Auckland, 1973.

Ward, Alan, *An Unsettled History: Treaty Claims in New Zealand Today*, Bridget Williams Books, Wellington, 1999.

Wells, Benjamin, *The History of Taranaki: A Standard Work on the History of the Province*, Edmondson & Avery, "Taranaki News" Office, New Plymouth, 1878, reprinted by Capper Press, Christchurch, 1976.

II. Reference Books

Cyclopaedia of New Zealand: Industrial, Descriptive, Historical, Biographical, Vol. 6, *Taranaki, Hawkes Bay and Wellington*, Horace J Weeks Ltd., Christchurch, 1908.

Dictionary of New Zealand Biography, Vol. 1 (1789 – 1869), Bridget Williams/Department of Internal Affairs, Wellington: 1990.

New Zealand Historical Atlas: Visualising New Zealand, Bateman, Auckland, 1997.

Nygh, Peter E, Butt, Peter (eds), *Butterworths Concise Australian Legal Dictionary*, 2nd ed., Butterworths, Sydney, 1998.

Scholefield, G H (ed), *A Dictionary of New Zealand Biography*, (2 vols), Department of Internal Affairs, Wellington, 1940.

The People of Many Peaks: The Maori Biographies from the Dictionary of New Zealand Vol. 1, (1769 - 1869), Bridget Williams/Department of Internal Affairs, Wellington, 1991.

III. Articles and Chapters

Ballara, Angela, 'The Pursuit of Mana? A Re-evaluation of the Process of Land Alienation by Maoris, 1840 - 1890', *The Journal of the Polynesian Society*, Vol. 91, No. 4, 1982, pp 519 - 541.

_____, 'Te Whanganui-a-Tara: Phases of Maori Occupation of Wellington Harbour c. 1800 - 1840' in *The Making of Wellington, 1800 - 1914*, D Hamer and R Nicholls (eds), Victoria University Press, Wellington, 1990, p 9 - 34.

Belgrave, Michael, 'Something Borrowed, Something New: History and the Waitangi Tribunal' in *Going Public: The Changing Face of New Zealand History*, Bronwyn Dalley and Jock Phillips (eds), Auckland University Press, Auckland, 2001, pp 92 - 109.

Bender, Barbara, 'Subverting the Western Gaze: Mapping Alternative Worlds', in Peter J Ucko & Robert Layton (eds) *The Archeology and Anthropology of Landscape: Shaping Your Landscape*, Routledge, London, 1999, pp 31 - 45.

Byrnes, Giselle, 'No Holidays are kept in the Bush': Surveying in Taranaki and the Discourse of Colonization', *Archifacts: Journal of the Archives and Records Association of New Zealand*, No.1, 1993, pp 15 - 26.

_____, 'Affixing Names to Places: Colonial Surveying & the Construction of Cultural Space', *New Zealand Studies*, Vol. 8, No. 1, 1998, pp 22 - 28.

_____, 'Jackals of the Crown? Historians and the Treaty Claims Process' in *Going Public: The Changing Face of New Zealand History*, Bronwyn Dalley and Jock Phillips (eds) Auckland University Press, Auckland, 2001, pp 110 - 122.

Dalziel, Raewyn, 'Popular Protest in Early New Plymouth: Why did it Occur?', *New Zealand Journal of History*, Vol. 20, No. 1, 1986, pp 3 - 26.

_____, 'Emigration and Kinship: Migrants to New Plymouth, 1840 - 1843', *The New Zealand Journal of History*, Vol. 25, No. 2, 1991, pp 112 - 128.

Gardner, W J, 'A Colonial Economy' in *The Oxford History of New Zealand*, W H Oliver and B R Williams (eds), Oxford University Press, Wellington, pp 57 - 86.

Gibbons, Peter, 'Cultural Colonization and National Identity', *The New Zealand Journal of History*, Vol. 36, No. 1, 2002, pp 5 – 15.

Head, Lyndsay, 'The Pursuit of Modernity in Maori Society: The Conceptual Bases of Citizenship in the Early Colonial Period' in *Histories Power and Loss: Uses of the Past – A New Zealand Commentary*, Andrew Sharp and Paul McHugh (eds), Bridget Williams Books, Wellington, 2002, pp 97 – 121.

Herron, D G, 'The Franchise and New Zealand Politics, 1853 – 1858', *Political Science*, Vol. 12, No. 1, 1960, pp 28 – 44.

Kawharu, Ian Hugh, 'Mana and the Crown: A Marae at Orakei', in *Waitangi: Maori and Pakeha Perspectives of the Treaty of Waitangi*, Ian Hugh Kawharu (ed), Oxford University Press, Auckland, 1989, pp 211-233.

Keenan, Danny, 'Bound to the Land: Maori Retention and Assertion of Land and Identity' in *Environmental Histories of New Zealand*, Eric Pawson and Tom Brooking (eds), Oxford University Press, Auckland, 2002, pp 246 – 260.

McHugh, Paul, 'Law, History and the Treaty of Waitangi', *New Zealand Journal of History*, Vol. 31, No. 1, 1997, pp 38-57.

Maloney, Pat, 'Savagery and Civilization: Early Victorian Notions', *New Zealand Journal of History*, Vol. 35, No. 2, 2001, pp 153 – 176.

Monin, Paul, 'The Maori Economy at Hauraki 1840 – 1880', *The New Zealand Journal of History*, Vol. 29, No. 2, 1995, pp 197 – 210.

Oliver, W H, 'The Future Behind Us: The Tribunal's Retrospective Utopia' in *Histories Power and Loss. Use of the Past – A New Zealand Commentary*, Andrew Sharp and Paul McHugh (eds), Bridget Williams Books, Wellington, 2001, pp 9 – 29.

Parsonson, Ann, 'The Pursuit of Mana', in *The Oxford History of New Zealand* W H Oliver, and B R Williams, (eds), Oxford University Press, Wellington, 1981, pp 140 – 167.

_____, 'The Challenge to Mana Maori' in *The Oxford History of New Zealand*, 2nd Edition, Geoffrey Rice (ed), Oxford University Press, 1992, pp 167 – 200.

_____, 'The Fate of Maori Rights in Early Colonial New Zealand: The Limits of the Treaty of Waitangi and the Doctrine of Aboriginal Title' in *Law, History & Colonialism: The Reach of Empire*, Diane Kirkby and Catherine Coleborne (eds), Manchester University Press, Manchester, 2001, pp 173 – 189.

Porter, Andrew, 'Empires of the Mind', in *Cambridge Illustrated History of the British Empire*, P J Marshall (ed), Cambridge University Press, Cambridge, UK, 1996, pp 185 – 223.

Renwick, William, 'Who was G W Rusden and does it matter?', *Stout Centre Review*, Vol. 3, No. 4, 1993, p 18 – 23.

Sorrenson, Keith, 'Maori and Pakeha', in *The Oxford History of New Zealand*, W H Oliver and B R Williams (eds), Oxford University Press, Wellington, 1981, pp 168 – 193.

_____, 'Towards a Radical Reinterpretation of New Zealand History: The Role of the Waitangi Tribunal', *New Zealand Journal of History*, Vol. 21, No. 1, 1987, p 173 – 188.

Stenhouse, John, 'Religion, Politics, and the New Zealand Wars 1860 – 1872' in *God and Government: The New Zealand Experiences*, Rex Adhar and John Stenhouse (eds), University of Otago Press, Dunedin, 2000, pp 21 – 39.

Tau, Te Maire 'Ngai Tahu and the Canterbury Landscape: A Broad Context' in *Southern Capital Christchurch: Towards a City Biography, 1850 – 2000*, John Cookson and Graeme Dunstall (eds), University of Canterbury Press, Christchurch, 2000, pp 41 – 59.

_____, 'From Better be Dead and Out of the Way' to 'To be Seen to Belong' in *Southern Capital Christchurch: Towards a City Biography, 1850 – 2000*, John Cookson and Graeme Dunstall (eds), University of Canterbury Press, Christchurch, 2000, pp 222 – 247.

_____, 'Matauranga Maori as an Epistemology' in *Histories, Power and Loss. Uses of the Past – A New Zealand Commentary*, Andrew Sharp and Paul McHugh (eds), Bridget Williams Books, Wellington, 2001, 61 – 74.

Watson, K M and Patterson, B R, 'The Growth and Subordination of the Maori Economy in the Wellington Region of New Zealand, 1840 – 52', *Pacific Viewpoint*, Vol. 26, No. 3, 1985, pp 521 – 545.

Weaver, John C, 'Frontier into Assets: The Social Construction of Property in New Zealand, 1840 – 1865' *The Journal of Imperial and Commonwealth History*, Vol. 27, No. 3, 1999, pp 17 – 54.

_____, 'The Construction of Property Rights on Imperial Frontiers: the Case of the New Zealand Native Land Purchase Ordinance of 1846' in *Law, History, Colonialism: The Reach of Empire*, Diane Kirkby and Catherine Coleborne (eds), Manchester University Press, Manchester (UK), 2001.

Webster, Steven, 'Maori Hapu as a Whole way of Struggle: 1840s – 1850s before the Land Wars', *Oceania*, Vol. 69, 1998, pp 5 – 7.

IV. Reviews

Howe, Kerry in *New Zealand Journal of History*, Vol. 36, No. 2, 2002, pp 203 – 204.

King, Michael, in *New Zealand Books*, June 2002, p 9.

V. Unpublished Theses

McClean, Robert, 'Power/Knowledge and Space: The Creation and Alienation of the 'Reserve' at Porirua', MPhil Thesis in Geography, Massey University, 1996.

Prickett, Nigel, 'The Archaeology of a Military Frontier: Taranaki, NZ, 1860 – 1881', PhD Thesis, University of Auckland, 1981.

Sinclair, Keith, 'The Aborigines Protection Society and New Zealand: A Study in Nineteenth Century Opinion', MA Thesis, University of New Zealand, Auckland, 1946.

VI. Unpublished Reports and Conference Papers

Boulton, Leanne, 'Bell Block/Hickford Park: Historical Research and Land Title History', Commissioned by The New Plymouth District Council, Parks Department, August 1994 and written for Te Roopu O Te Atiawa Rohe Development Trust, New Plymouth.

Parsonson, Ann, 'The Fate of Maori Land Rights in Early Colonial New Zealand: the Limits of the Treaty of Waitangi and the Doctrine of Aboriginal title', conference paper given at the 17th annual Law and History Conference (Empires, Colonies, Legal Cultures), Melbourne, 5 July 1998.

VII. Reports of the Waitangi Tribunal

Waitangi Tribunal, *Report of the Waitangi Tribunal on the Manukau Claim*, Government Printer, Wellington, 1985.

_____ *The Orakei Report 1987*, Brooker and Friend Ltd, Wellington, 1987.

_____ *The Ngai Tahu Report 1991*, 3 vols, Brooker and Friend Ltd, Wellington, 1991.

_____ *The Te Roroa Report 1992*, Brooker and Friend Ltd, Wellington, 1992.

_____ *The Taranaki Report: Kaupapa Tuatahi*, GP Publications, Wellington, 1996.

_____ *The Muriwhenua Land Report 1997*, GP Publications, Wellington, 1997.

_____ *The Whanganui River Report 1999*, GP Publications, Wellington, 1999.

_____ *The Pakakohi and Tangahoe Settlement Claims Report*, Legislation Direct, Wellington, 2000.

_____ *Te Whanganui a Tara me ona Takiwa Report: Report on the Wellington District*, Legislation Direct, Wellington, 2003.

VIII. Waitangi Tribunal Rangahaua Whanui Reports

Cross, Suzanne and Bargh, Brian, *Whanganui District*, Waitangi Tribunal Rangahaua Whanui Series, 1996.

Johnson, Ralph, *The Trust Administration of Maori Reserves, 1840 – 1913*, Waitangi Tribunal Rangahaua Whanui Series, 1997.

Murray, J E, *Crown Policy on Maori Reserved Lands, 1840 to 1865 and Land Restricted from Alienation, 1865 to 1900*, Waitangi Tribunal Rangahaua Whanui Series, 1997.

Riseborough, Hazel and Hutton, John, *The Crown's Engagement with Customary Tenure in the Nineteenth Century*, Waitangi Tribunal Rangahaua Whanui Series, Wellington, 1997.

Ward, Alan, *National Overview, Volume II*, Waitangi Tribunal Rangahaua Whanui Series, Wellington, 1997.

IX. Research Reports for Claims to the Waitangi Tribunal

Anderson, Robyn, 'Report on Whanganui Iwi and the Crown, 1865 – 1880', for the Crown Forest Rental Trust, draft report October 1999 (Wai 903 record of documents, doc A21).

Berwick, Patricia E, 'Land and Land Ownership in the Wellington Tenth and Taranaki: The Gap between Tangata Whenua and Crown Concepts in the 1840s', prepared for the Wellington Tenth Trust, for presentation to the Waitangi Tribunal, Wellington, 1996, (Wai 143 record of documents, doc M27).

Bird, E M E, 'Report on the Purchase of the Grey, Cooke's Farm, Bell, Waiwakaiho, Hua and Tarururangi Blocks in Taranaki, 1847 – 1859', Report Commissioned by the Office of Treaty Settlements, Wellington, 1999.

Ford, Janine, 'Title Histories of the Native Reserves made in the FitzRoy, Grey and Omata Purchases in Taranaki, 1844 – 1848', Waitangi Tribunal Wellington, 1991, (Wai 143 record of documents, doc F24).

Janine Ford, 'The Decisions and Awards of the Compensation Court in Taranaki, 1866 – 1874', Waitangi Tribunal, Wellington, 1991.

Harris, Aroha, 'Title Histories of the Native Reserves made in the Bell Block, Tarururangi, Hua, Cooke's Farm and Waiwakaiho Purchases in Taranaki, 1848 – 1859', Waitangi Tribunal, Wellington, 1991, (Wai 143 record of documents, doc F23).

Hutton, John, 'Aspects of the Social History of Maori in Taranaki, 1880 – 1960', Overview Report for the Waitangi Tribunal & the Crown Forest Rental Trust, April 1998, (Wai 143 record of documents, doc M38).

Donald Loveridge, 'The Origins of the Native Lands Acts and Native Land Court in New Zealand', report for the Crown Law Office, Wellington, 2000, (Wai 686 record of documents, doc P1).

Parsonson, Ann, 'Nga Whenua Tautohetohe o Taranaki: Land and Conflict in Taranaki, 1839 – 1859', revision of Report No. 1 to the Waitangi Tribunal: The purchases of Maori Land in Taranaki, 1839 – 1859, Commissioned by the Waitangi Tribunal, Wellington, 1991, (Wai 143 record of documents, document A1(a)

Ward, Alan, 'A Report on the Historical Evidence: The Ngai Tahu Claim', Waitangi Tribunal, Wellington, 1989, (Wai 27 record of documents, doc T1).